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# Community Lawyering: Theory and Practice

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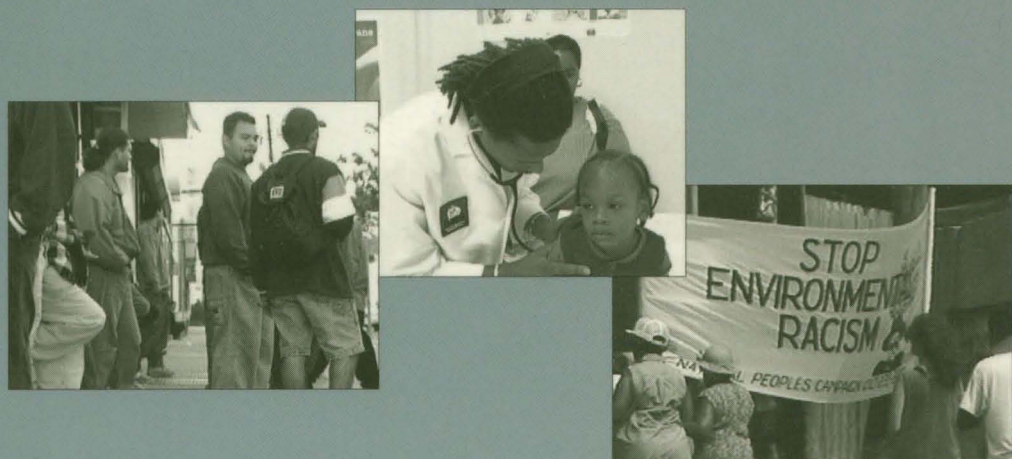
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# COMMUNITY LAWYERING: THEORY AND PRACTICE

MATERIALS FOR  
SO GOES A NATION:  
LAWYERS AND COMMUNITIES



DEREK DENCKLA AND MATTHEW DILLER

THE LOUIS STEIN CENTER FOR ETHICS & PUBLIC INTEREST LAW  
AT FORDHAM UNIVERSITY SCHOOL OF LAW

NEW YORK LAWYERS FOR THE PUBLIC INTEREST

FORDHAM URBAN LAW JOURNAL

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## I. INTRODUCTION

In November 1997, New York Lawyers for the Public Interest (NYLPI) and the Stein Center for Ethics and Public Interest Law at Fordham University School of Law in collaboration with Fordham Urban Law Journal produced a thirty-minute video *So Goes A Nation: Lawyers and Communities* to inform and to stimulate thinking about the practice of community lawyering. The video debuted at Lawyering for Poor Communities in the 21st Century, a two-day symposium at Fordham University School of Law featuring advocates, academics and community leaders.

With a grant from the Open Society Institute, Fordham and NYLPI have created these teaching materials for instructors and law professors in order to continue to promote interest in and discussion of community lawyering among law students, legal services offices and law firms across the country. These teaching materials will give students reading matter intended to inform their discussion of *So Goes a Nation* as well as ideas for projects to undertake after viewing the video.

### About *So Goes a Nation: Lawyers and Communities*

*So Goes A Nation: Lawyers and Communities*, explores three distinct approaches to "community lawyering" in the New York City metropolitan area. It profiles the pioneering community lawyering work performed by the following organizations:



- Community Economic Development Unit of Brooklyn Legal Services, Corporation A;
- Environmental Justice Project of the New York Lawyers for the Public Interest; and
- The Workplace Project's efforts in organizing immigrant workers in New York City's suburbs.

*So Goes a Nation* includes introductions by Jimmy Smits, an actor known for his portrayal of a lawyer in the television series, *L.A. Law*, and a conclusion by Sam Waterston, also an actor famous for his lawyerly role in the television show *Law and Order*. It was directed by Jacob Bender and produced by Jim Simmons.

*So Goes a Nation* shows lawyers linking up with organizers and leaders from distinct communities in three very different ways and meeting with marked success. First, in the Brownsville section of Brooklyn, attorney Paul J. Acinapura of Brooklyn Legal Services worked with Maurice Reid of the Brownsville Family Health Care Center to establish a community health center by developing a creative means of obtaining public financing. Second, in Red Hook and East New York neighborhoods of Brooklyn, attorney Sam Sue and community organizer Eddie Bautista of New York Lawyers for the Public Interest helped mobilize residents to successfully resist the siting of waste-dumping and polluting facilities in their neighborhood relying on the "fair share" provisions of the New York City Charter. Finally, in the village of Hempstead on Long Island, attorney Jennifer Gordon and organizer Omar Henriquez of the Workplace Project assisted low-wage Latino immigrant workers in organizing to enforce their rights under labor laws. Their efforts

and the workers' lobbying resulted in the passage of a tougher state labor law—The Unpaid Wages Prohibition Act.

### Who Will Benefit from Viewing and Discussing *So Goes A Nation*?

Law professors, law students, legal services lawyers and other members of the bar seeking unique and important pro bono work will receive invaluable information from this video. *So Goes A Nation* can serve as a useful "text" in law school courses such as poverty law, welfare law and professional responsibility, as well as many clinical courses.

*So Goes a Nation* shows that a wide range of legal skills and expertise can be harnessed to help low-income clients. It can draw law students interested in transactional work into the orbit of public interest law and pro bono work and enhance courses in tax, finance, housing and corporations. The video can also be a means to encourage transactional and corporate lawyers to undertake pro bono projects to help poor communities.

### What is Community Lawyering?

"Community lawyering" is based on a recognition that social and cultural institutions such as churches, schools, service providers, and local businesses are critical to the quality of life in a community. Consequently, community lawyers seek to support and nurture those institutions.

*So Goes a Nation* demonstrates that community lawyers have found exciting new ways to work with and engage people living in poor communities, such as:

- helping communities create structures for the provision of services that government has failed to deliver, such as housing, health care, day care and other programs that meet vital needs;
- assisting in community economic development projects that help to bring jobs and resources to historically poor areas;
- enabling grass roots organizations to achieve specific goals, such as preventing environmental degradation and preserving neighborhood character; and
- building community organizations that can mobilize residents to work toward a wide variety of shared goals.

Generally, community lawyers focus on the “project” of a community rather than the “case” of an individual client. Community lawyers tend to focus on building a community’s capacity to address its own problems rather than deepening the community’s dependence on the lawyer’s expertise.

### Approaches to Teaching With *So Goes a Nation*

While the video demonstrates outstanding examples of community lawyering, it raises as many questions as it answers about this type of law practice. For instance, how does one define community? How does community lawyering fit in with other kinds of poverty lawyering? How can community lawyering link to broader strug-

gles when it is essentially local in nature? These questions and more should inform any discussion of *So Goes A Nation*.

### Suggested Readings

These readings have been designed as a “mini-textbook” that may be assigned to students in advance of presenting *So Goes A Nation*. Discussion of the video is bound to be enhanced by prior readings. The materials include discussion questions to help focus students on critical issues. Instructors may adapt these materials to reflect the amount of time that they wish to spend on the subject. Some may find that material is best broken up and considered in more than one class session. Others may choose to shorten the readings by omitting one or more selections. We have also provided questions that can be used in class discussion regardless of whether the readings have been assigned. Finally, the materials provide an extensive bibliography should you or your students wish to explore these topics in greater depth.

### Acknowledgments

These materials have benefitted greatly from discussions with Fordham law professors Bruce Green and Russell Pearce over the years about community lawyering. Our colleagues and collaborators Michael Rothenberg and Joan Vermeulen of New York Lawyers for the Public Interest have also greatly contributed to all aspects of this project. We would be remiss if we did not acknowledge our debt

to Jacob Bender, the director of *So Goes a Nation*, and Jim Simmons, the producer. They realized the vision behind the project beyond our hopes. We are also grateful to Jennifer Gordon, Ann Southworth, Louise Trubek and Lucie White for their comments on drafts of these materials. We appreciate the advice of Stanley Rothenberg.

This project would not have been possible without the support of the Open Society Institute. We also appreciate the assistance that Catherine Samuels lent in prodding us to refine and sharpen our goals.

All excerpts from the *Fordham Law Review* and the *Fordham Urban Law Journal* are reprinted with the permission of those journals. Other permissions are noted in the text.

Finally, we acknowledge the hard work of the lawyers, organizers, community leaders and clients that is reflected in *So Goes a Nation*. It is their efforts that underpin this project.

## II. READINGS

There are a wide variety of views about whether lawyers have a role in addressing or altering the lives of low-income people and their communities. Historically, and continuing into the present, the prevailing professional ideology about the role of lawyers in society has focused on them as providers of access to the justice system as opposed to agents of social change. Thus, the Model Rules of Professional Conduct advise that “every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence.” ABA Model Rules of Professional Conduct, Ethical Consideration 1-1. This aspiration is based on the belief that “[t]he continued existence of a free and democratic society depends on recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual.” *Id.*, at Preamble.

The “access to justice” view of legal services for low-income people arose around the turn of the century, just as lawyers established and fortified their professional identity. Bar associations helped create legal aid societies in most major urban areas in the United States, aiming to help the poor and recent immigrants assimilate into America’s social, political and legal cultures. To that end, lawyers in private practice donated their legal skills and expertise to these societies on a individual basis.

These readings, however, will focus on an alternative goal of lawyers for the poor. Beginning in the

### A. POVERTY LAWYERS AS AGENTS FOR SOCIAL CHANGE

1960s, many lawyers began to envision a new role for themselves as agents of social change—so-called poverty lawyers—who sought to alter the material conditions of low-income people. In their view, the theory that lawyers should dole out charity for the poor to insure their access to justice led to an ineffective use of resources and a condescending approach to the problems of the poor. In her book *Brutal Need*, Martha Davis writes about this shift:

Martha B. Davis,

**BRUTAL NEED:  
LAWYERS AND  
THE WELFARE  
RIGHTS  
MOVEMENT,  
1960-1973**

1-3 (1993)

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"The 1960s was a decade of innovation and expansion in government programs providing services to the poor. It began with President Kennedy's efforts to fund, on a small scale, creative programs addressing poverty and juvenile delinquency. From the 1964 declaration of War on Poverty through the 1968 election, President Johnson oversaw the implementation of an array of federal programs for Medicare and Medicaid, housing assistance, job training, and public education.

The 1960s was also a time of increased interest in individual rights as an organizing principle for a diverse society. The civil rights movement, in full flower, was joined by the women's rights movement, the welfare rights movement, and the gay rights movement. Activists, perhaps naively and certainly optimistically, viewed the federal courts as the ultimate protectors of individual rights and, under appropriate circumstances, arbiters of social change. . . .

[T]his [is] an account of the part that a new breed of lawyer-activist—the poverty lawyer—played in the welfare rights movement. . . .

A combination of factors contributed to the poverty law explosion of the 1960s. Michael Harrington's book *The Other America*, the Ford Foundation's "gray areas" program to fund community projects in the inner city, the civil rights movement, and the War on Poverty all encouraged hundreds of young lawyers who were committed to representing the poor.

Even the popular explanation for poverty's tenacity suggested that law would be an effective tool for eliminating need in America. Harrington, as well as scholars like Lloyd Ohlin and Richard Cloward, stressed that poverty was the structural by-product of contemporary society rather than evidence of personal or moral weakness. The civil rights movement provided poverty lawyers with a ready model for using litigation to change legal and social structures that marginalized a segment of the society. The lawyers added to this model an emphasis on neighborhood-based legal services and social work borrowed from the settlement house movement of the Progressive Era, as well as grassroots organizing techniques drawn from organized labor. The poverty law of the 1960s was a radical departure from the earlier idea that legal aid to the poor would encourage newcomers to assimilate into American society and allow lawyers to shore up their legal monopoly by controlling access to legal institutions. . . .

Lawyers continue to practice poverty law in significant numbers and to pursue litigation strategies for their clients through federal funded legal services, legal aid programs, and community-based organizations. Their work builds on that of an earlier generation of lawyers . . . For lawyers today, the questions of how to effectively collaborate with social movements and how to successfully advocate broad reforms to benefit their clients remain constant considerations."

### QUESTIONS

1. What is your reaction to the theory that lawyers should provide legal services for all because "[t]he continued existence of a free and democratic society depends on recognition of the concept that justice is based upon the rule of law." Is this a sound theoretical basis upon which lawyers should establish practices aimed at addressing the needs of low-income people? What theory would you suggest to replace this one?
2. How does the "access to justice" approach of the legal aid societies differ from that of the "poverty lawyer" developed in the 1960s and beyond?
3. In the first segment of *So Goes A Nation*, you will hear the term "poverty lawyer" used repeatedly. You may want to observe how this term is used by the lawyers and other people appearing in the video. What is your first impression of this term? Does it seem useful to describe the work of the lawyers profiled in the video?

4. Davis discusses how political movements influenced the development of lawyering for the poor. Are there any identifiable social or political movements that could or should guide lawyers for low-income people today?
5. Davis mentions how scholars like Harrington shaped the debate on solving the problems of low-income people. What theories can inform the work of lawyers for the poor today?
6. Davis states: "For lawyers today, the questions of how to effectively collaborate with social movements and how to successfully advocate broad reforms to benefit their clients remain constant considerations." Do you agree with this characterization of the questions constantly considered by lawyers for low-income people today?

Acceptance of the idea that lawyers for the poor should work to effectuate changes in the conditions that create and sustain poverty leads to the question of how lawyers should go about accomplishing this goal. As Peter Edelman has explained, the "challenges for lawyers to work on reducing poverty are broad. They include lawyering for fundamental societal change, for basic and serious policy change, for achieving consistent policy application, creating and strengthening community institutions that help the poor, and case-by-case representation." Peter Edelman, *Opening Address, Lawyering for Poor Communities in the Twenty-First Century*, 25 Fordham Urb. L. J. 685, 686-87 (1998).



In reality, the responses to these challenges are shaped by the scarcity of resources available for the representation of low income people. Although Congress established the Office of Economic Opportunity's Legal Services Program in the 1960s as a means of funding legal assistance to the poor, funds from public and private sources have never been sufficient to meet more than a small percentage of the need. In recent years, Congress has cut federal funding substantially, from an annual appropriation of \$400 million for 1995 to a low of \$278 million for 1996. Since then, funding has hovered at about \$300 million a year. These reductions have led to what many view as a crisis in legal services. See e.g. Symposium, *Crisis in the Legal Profession: Rationing Legal Services to the Poor*, 1997 Ann. Survey of Am. L. 731. As a result of this acute and chronic scarcity, the allocation of legal resources devoted to representing low income clients is, of necessity, a form of rationing—a process of deciding which needs to meet in what ways and which needs to leave unmet.

In a review of *Brutal Need*, Matthew Diller offered this analysis of the development of different approaches to poverty lawyering in the 1960s and beyond:

"The success of the NAACP Legal Defense Fund . . . created a new image of the lawyer – as agent of social change. To some, this new conception seemed transferable from the realm of civil rights to the arena of economic rights. The analogy proved controversial, even among advocates for the poor. In particular, the young activist lawyers who promoted the idea of using legal representation as a means of fighting poverty relentlessly criticized the existing legal aid societies and their 'band-aid work.' . . . The establishment of the Legal Services Program of the Office of Economic Opportunity in 1965 made clear the triumph of the "law reform" vision. The inclusion of the Legal Services Program in the agency spearheading the war on poverty was an acknowledgment that legal representation was a weapon to be deployed in the war.

Although Davis recounts this tension between advocates of law reform and the defenders of traditional legal aid . . . , the disputes among law reform activists are more central to the issues with which she deals. The activists did not agree among themselves on the issue of how lawyers for the poor should go about reforming the law. They developed at least three models of achieving social change. The first school of thought viewed the lawyer as part of a team of professionals who would work comprehensively with individuals to provide a package of social, educational, and legal services. This model, which formed the basis of a short-lived program in New Haven, was rooted in the view that "cultural poverty" causes economic poverty. The second view focused on neighbor-

Matthew Diller

POVERTY  
LAWYERING THE  
GOLDEN AGE  
93 MICH. L. REV.  
1401, 1405-06  
(1995)

Reviewing  
Martha F. Davis  
BRUTAL NEED:  
LAWYERS AND  
THE WELFARE  
RIGHTS  
MOVEMENT,  
1960-1973



hood activism. This model, developed by Edgar and Jean Cahn, asserted that poverty lawyers should serve as a resource for poor communities to make local government and other institutions more responsive on a local level and to assist poor communities in developing their own institutions and leaders. The third alternative, devised by [Edward V.] Sparer and social analyst Elizabeth Wickenden, called for the development of a planned series of test cases designed to achieve judicial recognition of a constitutional right to a subsistence income.

Sparer's approach was radically different from the other conceptions. . . . Sparer's model sought reform on the national level. . . . [He] reject[ed] diagnoses of poverty that focused on lack of opportunity due to personal or cultural deprivation. For Sparer, poverty was not due to a lack of skills or education; it was caused by a deprivation of power. Litigation was a means of achieving power in order to redistribute resources."

## QUESTIONS

1. Both Diller and Davis touch on the poverty law practice of the "legal aid societies." While not explicitly stated in the passages above, does this poverty law practice appear to take shape from a particular theory of poverty? If so, what is that theory or theories? How do theories about the causes and nature of poverty effect the various ways of practicing poverty law? Is it necessary to have a theory about the causes of poverty in order to practice poverty law?

2. Can you identify the strengths and weaknesses of the three models developed by the proponents of law reform? Are there alternative approaches which would be superior?

## B. COMMUNITY LAWYERING

Sparer's "test-case method" rose to great prominence—briefly becoming the dominant approach to poverty lawyering—even while it remained controversial within the legal profession. For a time, the "test-case method," or law reform approach to social change for low-income people, seemed to hold great promise, winning impressive victories in the Supreme Court with such renowned cases as *Goldberg v. Kelly*, 397 U.S. 254 (1970).

Critics, however, began to question the prominence given to the lawyer in the law reform model. In Davis' book she illustrates how the "test-case method" and its proponents grew distant from their client base of low-income people in pursuit of legal strategies on behalf of these clients. Davis concludes that the test-case model "may be ill suited to the poverty law context because it put lawyers—whose knowledge of the issues facing poor clients is at best second hand—at the center of power and decision making in the movement . . . undermining the fragile organizing power of the grass roots movement" of low-income people. Davis, *supra*, at 143. As early as 1970, critics of the test case strategy complained that "lawyers 'for' the poor decide what in their collective wisdom is in the best interest of the poor. . . . [They] studiously avoid all contact with

those insights which come from neighborhood offices, from contact with live clients, from group representation or from structural mechanisms of accountability to the constituency they ostensibly serve.” Edgar Cahn & Jean Camper Cahn, *Power to the People or Power to the Profession? – The Public Interest in Public Interest Law*, 79 Yale L. J. 1005, 1040 (1970). See also Steven Wexler, *Practicing Law for Poor People*, 79 Yale L.J. 1049 (1970).

Over time, legal services practices for low-income people have become increasingly oriented toward narrowly representing individual cases, much like the legal aid societies that the poverty lawyers sought to replace. This emphasis on individual cases has grown over the last two decades. Recently, Congress has taken action that furthers this trend. It has barred programs funded by the Legal Services Corporation—the largest single source of funding for lawyers for the poor—from working on class actions and engaging in legislative and administrative advocacy. See Symposium, *The Future of Legal Services: Legal and Ethical Implications of the LSC Restrictions*, 25 Fordham Urb. L. J. 279-392 (1998). Moreover, the conditions under which the “test case method” flourished are no longer present. Courts are less receptive to ambitious claims brought on behalf of poor clients. At the same time, changes in welfare, immigration, Medicaid, and housing law have eliminated many statutory bases for litigation. The result is that many poverty lawyers have scaled back their services to the point where

they are providing “access to justice” without engaging in actions for broader social change.

Hoping to reinvigorate poverty lawyers to seek social change, a number of lawyers and academics have proposed new approaches. These approaches—sometimes collectively referred to as community lawyering—advocate a renewed focus upon listening to clients’ wishes and facilitating or building grass roots organizations at a community level. As Peter Edelman puts it: “Community building needs to become a major focus of lawyering for the poor.” Edelman, *Opening Address*, *supra*, 25 Fordham Urb. L. J. at 691. The readings that follow will help to identify the distinctive elements of “community lawyering,” and to examine divergent approaches and practices of community lawyers.

In 1999, a conference of leading experts in the field issued the following statements on the role of community lawyering:

“Representing community groups is important work in light of such groups’ valuable role in improving neighborhoods and communities, building social capital and solving collective problems. . . .

Lawyers and law offices serving low-income clients and communities should be encouraged to participate in coalitions and to build collaborative relationships across professions and between client groups and other entities that address issues relevant to the client population. . . .

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Recommendations  
of the Conference  
on the Delivery of  
Legal Services to  
Low Income  
Persons  
67 FORDHAM L.  
REV. 1751, 1756,  
1758 (1999)

(Preamble to  
Recommendations  
14-18, & 19).

[O]rganizers and client groups often possess both a knowledge of community resources and constraints and the skills and experience of bringing people and groups together. . . .

Increasingly, coalitions and professional collaborations are being recognized for their ability to disseminate information efficiently and train the community on law-related issues and procedures. Collaborations that provide another means to 'legal access' are empowering to a client community."

#### *Varying Approaches to Community Lawyering*

As might be expected, most proponents of community lawyering agree upon the general theory that embraces the crucial importance of social and cultural institutions in poor communities. There are, however, various (even if somewhat overlapping) approaches to community lawyering. On one end of the spectrum are those lawyers who favor using traditional lawyering—either litigation-based or transactional—to bring about change in low-income communities. For instance, in *Lawyering for Poor Communities on the Cusp of the Next Century*, Lynn M. Kelly advocates infusing traditional litigation strategies with community-based tactics. Another approach known as "community development lawyering" or "in-house counsel to the community" encourages lawyers to use the traditional skills of transactional lawyers in new ways with the goal of bringing

jobs and resources into impoverished areas. These scholars and advocates tend to view community lawyering as a complement to, rather than a replacement for other forms of poverty lawyering such as individual case work and law reform litigation.

On the other end of this spectrum are those whose approach to community lawyering arises from a skepticism about the effectiveness of litigation and traditional legal work as a means of achieving social change in poor communities. One example of an approach to community lawyering that de-emphasizes litigation—sometimes called "rebellious lawyering"—encourages lawyers to act as organizers: engaging low-income people in a process to stimulate consciousness of important social issues rather than focusing on traditional, individual legal service.

And, of course, there are hybrid approaches to community lawyering that pick and choose tactics from litigation to organizing, employing whatever works best under the circumstances.

**B.1.  
COMMUNITY  
LAWYERING  
AND LITIGATION**

Some lawyers argue that the tried-and-true tool of litigation should continue to play an important role in the work of poverty lawyers. Although these lawyers are not reviving the “test-case method,” they believe that law reform does not necessarily lead to problems such as excessive lawyer-domination in framing the issues affecting low-income people. Lynn Kelly, Director of MFY Legal Services in New York, New York, offers her perspective on litigation-based community lawyering in the following passage:

Lynn M. Kelly,  
  
LAWYERING  
FOR POOR  
COMMUNITIES  
ON THE CUSP OF  
THE NEXT  
CENTURY  
  
25 FORDHAM  
URB. L.J. 721,  
721 (1998)

“I would like to focus on three critical objectives for the next generation of poverty lawyers: identifying strategies that work, increasing legal representation for poor communities, and keeping a vibrant legal community engaged in poverty law. First and foremost, we need to identify strategies that work. . . . [L]itigation has become tarnished as tool of change. Most of us who became poverty lawyers in the 1980s-1990s did not expect to eradicate poverty through litigation. But don’t sell litigation short. During the last two decades, law reform litigation has worked. Poverty litigators have been successful in impact cases particularly where we have caught waves of public sympathy for subclasses of the poor: the elderly, the disabled, families with children facing homelessness, battered women, and foster children. We have expanded the choice far beyond the federal courts and file cases in the state courts and with agencies. Litigators have also focused explicitly on developing full records of the facts about the effects of challenged policies on the lives of the poor. . . .

The second strategy that works is building coalitions that increase the political clout of poor people. Partners for coalition building can be found in unlikely places and in unlikely ways. The challenge is to find shared interests between what appear to be different communities. For example, in the past lawyers have brought together leading doctors and poor undocumented immigrant women in need of prenatal care. Similarly, lawyers have aligned the interests of gay life partners in Greenwich Village, and transplanted Southerners residing for twenty years in a rent stabilized apartment in Harlem who share finances and holidays and care for one another like a family disability.”

1. Are you swayed by Kelly’s focus on of litigation as a tool for community lawyering? If not, why?
2. Is “building coalitions” a traditional litigation tactic or is it specific to litigation for low-income people?
3. As you read on, try to ascertain whether “building coalitions” as described by Kelly differs from “community organizing” discussed in greater detail below.

**QUESTIONS**

---

 Allen Redlich

 WHO WILL  
LITIGATE  
CONSTITUTIONAL  
ISSUES FOR THE  
POOR?

 19 HASTINGS  
CONST. Q. 745  
(1992)

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California, Hastings  
College of Law.  
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**QUESTIONS**

Allen Redlich takes it a step further than Kelly by criticizing legal services programs for engaging in too little litigation:

"Lack of involvement in litigation by legal services programs evidences a failure to provide quality services to their clients. . . . Many of the problems of the poor [ ] can be resolved only through litigation. Others cannot be resolved in an appropriate manner without a credible threat of litigation. When litigation is the appropriate option and it is not undertaken, the client is effectively abandoned by the attorney. . . . [T]he paucity of litigation by legal service programs, despite the many cases where litigation is called for, makes negotiation a sham and evidences the absence of quality lawyering. The price paid includes not only a poor result for the particular client, but less than satisfactory results in negotiations for other clients."

1. What are the advantages of litigation that Kelly and Redlich perceive? Why have disempowered groups so often looked to the courts rather than the political branches for change?

In contrast to Kelly's and Redlich's perspective, Lucie White has argued the following:

Litigation may falsely raise in the community the expectation that appeal to "the law" can somehow give it power. Thus, the community may put its energy into litigation instead of into the much more difficult work of organizing itself. Instead of pushing a community into a lawsuit, the lawyer should help his clients understand the limits of litigation and challenge them to develop creative, rather than reactive, litigation strategies.

The risk that legal strategies will increase the community's ideological subjugation, rather than build its power, can only be countered if the lawyer consciously identifies himself with 'ground-level organization' within the community—'which can identify and articulate the social problem, and which is readily accessible to the claimants'—rather than with the legal profession. He must advocate legal strategies only insofar as they help clients become more able to 'organise [sic] and to speak and bargain for themselves, . . . to act cohesively and effectively on their own behalf.' [T]his goal 'runs directly contrary to the whole ethics of professional training . . . [and] is very difficult to do.' However, in his view, the lawyer must take on this unconventional work if he genuinely seeks change."

---

 Lucie E. White

 TO LEARN  
AND TEACH:  
LESSONS FROM  
DRIEFONTEIN  
ON LAWYERING  
AND POWER,

 1988 WISC. L.  
REV. 699, 742

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Wisconsin Law  
Review.

**QUESTIONS**

1. As demonstrated in the passage above, Professor White maintains that the central question that must be answered in order to renew public interest law practice should be: "Can we identify methods of lawyering that can alter the processes of subordination rather than merely minister to the injuries that those processes generate?" Do you agree with this thesis? Is there another question we ought to be asking?
2. Do you agree with White's critique of a litigation-based approach to lawyering for low-income people?
3. Are White's criticisms of law reform litigation the same as the criticisms that the law reformers leveled at the legal aid societies?

**B.2.  
LAWYER AS  
FACILITATOR OR  
BUSINESS  
PLANNER**
**i. The Facilitation Model Described**

Community development lawyering originates from a modest and simple premise: by giving low-income communities access to the legal know-how of a transactional lawyer, community institutions, especially businesses and service providers, will grow and become a source of stability and strength. Essentially, the lawyer uses his or her skills as a facilitator to realize a community vision or plan. Community development lawyering challenges lawyers to use the traditional skills of business lawyers in new and creative ways.

"Most of us share the idea that American civil rights and poverty lawyers are advocates who establish and enforce rights through litigation and administrative processes. The archetypal activist lawyer is more warrior than engineer; she argues, in courts or in negotiations backed by threats of litigation, that the law favors her client's position with respect to existing claims and disputes. [There exists] a much different role for lawyers in efforts to address urban poverty. That role involves advising, negotiating, and structuring arrangements unrelated to any existing claim or dispute. . . .

In the planning realm, lawyers counsel clients and help them structure private arrangements to govern future activity apart from any existing dispute. Planning, like litigation, often involves negotiation and drafting, but it also involves distinctive skills that litigators often do not cultivate: the ability to understand clients' plans and objectives, to anticipate and clarify risks and opportunities, and to negotiate with other parties in ways that preserve relationships.

[L]awyers' planning contributions often help clients achieve real improvements in their daily lives in the form of better housing, jobs, and services, and greater participation in state and local planning processes. Moreover, this work generally gives clients considerable control over their projects and sometimes helps them become more savvy players in politics and the economy. It combines some of the more attractive features of established forms of civil rights and poverty

Ann Southworth,

BUSINESS  
PLANNING  
FOR THE  
DESTITUTE?  
LAWYERS AS  
FACILITATORS  
IN CIVIL RIGHTS  
AND POVERTY  
PRACTICE

1996 WISC. L.  
REV. 1121, 1121,  
1133, 1169

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Review.



lawyering: the client service orientation of the individual service model and the broader social purposes of law reform projects. At its best, planning work helps inner city residents create social capital and claim a real stake in the future."

## QUESTIONS

1. Louise G. Trubek has written that: "Change cannot occur merely by doing for poor communities what corporate lawyers do for the wealthy. To invoke social change, there must be both empowerment and a challenge to the status quo." Louise G. Trubek, *Reinvigorating Poverty Law Practice: Sites, Skills and Collaborations*, 25 Fordham Urb. L.J. 801, 809 (1998) (footnotes omitted). Do you agree with this view? Why?
2. What assumptions about low-income people does Professor Southworth appear to make in discussing the benefits of this type of lawyering? Does this reflect an implicit theory of poverty? What theory of poverty animates lawyers engaged in planning in low-income areas?
3. What is the difference between lawyer as "facilitator" and lawyer as "advocate?"
4. Does the argument that poverty lawyers should provide the same planning and facilitative skills to poor communities that they provide to large business harken back to the "access to justice" rationale for the provision of legal assistance to poor people?

"We now represent fledgling nonprofits, small businesses, tenant co-ops in private housing, and tenants' associations in public and subsidized housing. When we are called upon to describe our practice, for brevity's sake, we label it as 'transactional,' in 'community and economic development law.'

Susan D. Bennett

ON LONG-HAUL  
LAWYERING,

25 FORDHAM  
URB. L.J. 771,  
773 (1998)

[T]he skill and art of the community development practitioner is that of 'long-haul lawyering.' Long-haul lawyering derives from many elements, but two are critical. One is presence in the community. As one of the community organizers in the segment about the Workplace Project said, earning trust means 'going there earlier than everyone else; and being there in the morning.' The legal services provider must be community-based and collaborative (or needs to be community-based in order to be collaborative). Presence, a moral and geographical presence, is an imperative.

[L]egal services representation in the community is unbounded, in both nature and duration. The "unboundedness" of the exercise is the second critical element of long-haul lawyering. The groups whom the community lawyer represents may well be 'clients for life,' and the lawyer is rarely able to predict which skills her clients' situations may call upon her to use, or to refrain from using. The 'collaboration' that I just mentioned may require a fluid sharing of tasks, in ways that blur demarcations between what the lawyer thinks of as her and her client's expertise. In addition, the video reminds us that there will always be the necessity to resort to other, non-

transactional legal services. Litigation—or the threat of it — is still a powerful tool. There must be legal ‘hooks.’”

## QUESTIONS

1. Do you agree that presence in the community is essential to community lawyering? Can pro bono lawyers from large corporate firms be effective community development lawyers? Is there a role for small private law firms and solo legal practitioners who have already hung their shingles in a low-income communities in this kind of work?
2. Do you think Professor Southworth would agree with Professor Bennett that community lawyering is “unbounded” with lawyers gaining “clients for life?”
3. What are the ethical implications of “unbounded” representation with a “client for life?” For instance, may the lawyer withdraw from representation of a “client for life?”
4. Do you agree that there must be “legal hooks” in order for community lawyers to be effective?

## ii. The Facilitation Model In Practice: Brooklyn Legal Services Corporation A

“So Goes a Nation also featured a third organization, Brooklyn Legal Services Corporation A, as an example of community-based work. Brooklyn A staff attorneys offer legal expertise to help local community groups implement community economic development projects. Acting as ‘in-house counsel’ for these local groups, Brooklyn A lawyers provide both transactional and litigation legal services in the areas of corporate, real estate, tax, and regulatory law. Their joint effort with the community groups has created tenant-owned and community-owned housing opportunities, new community centers, nursing homes, and expanded community-owned and controlled health care and child care facilities

. . . . Brooklyn A lawyers consider their work as rather traditional because they render mostly transactional legal services like private law firms render to corporate clients. . . .

In 1967, Brooklyn A was established to provide individual civil legal representation to the low-income residents of North and East Brooklyn, including the neighborhoods of Williamsburg, Greenpoint, Bushwick, Bedford-Stuyvesant, Oceanhill-Brownsville, East New York, Cypress Hills, Starrett City, and Canarsie. In the early 1970s, Brooklyn A began working closely with local community organizations to foster local revitalization. Currently, six out of thirty staff

Janine Sisak

IF THE SHOE  
DOESN'T FIT . . .  
REFORMULATING  
REBELLIOUS  
LAWYERING  
TO ENCOMPASS  
COMMUNITY  
GROUP  
REPRESENTATION

25 FORDHAM URB.  
L.J. 873, 881-84  
(1998)

attorneys are dedicated to this community economic development work.

The initial impetus behind community economic development work in Brooklyn was twofold. First, because the early legal services ideology was that of community empowerment, the early legal services offices, including Brooklyn A, were housed in storefront, neighborhood locations which made legal services physically accessible to the community. Second, community groups were emerging in the early 1970s, parallel to the evolution of Brooklyn A. Indeed, some of the founders of these community groups were Brooklyn A lawyers. This activism was typical of the 1970s, as one former Brooklyn A lawyer explained: 'It was a different era ... Williamsburg was crawling with young lawyers trying to save the world.'

At the time, Paul Acinapura, the current Deputy Project Director of Brooklyn A, was one such young lawyer. He started working with community-based organizations in 1973 when he graduated from law school. Because his clients wanted to implement concrete projects like establishing health care facilities and tenant-owned housing, Paul developed legal expertise in real estate, corporate, tax, and administrative law. Although his work sometimes involves litigation, it has developed into work that is primarily transactional in nature. This aspect is a direct response to the needs of the community.

For more than twenty-five years, Brooklyn A has been a model for progressive, neighborhood-based advocacy. Its core premise is that fostering local economic stability will alleviate poverty. This is a delicate process that has two important components. First, the community identifies its needs and initiates concrete projects such as health care facilities, low-income housing units, or recreational centers. Second, the community retains control and ownership of these projects. Control gives the community power to direct the allocation of funds and the rendering of services. Ownership allows the community to reinvest incoming funds back into the community. Thus, these projects not only provide services to address the community need, they also create equity for the community. Owning equity leads to independence.

Today, Brooklyn A represents over ninety community groups in such endeavors. By providing a wide range of legal and strategic planning and analysis services, Brooklyn A acts as in-house counsel to these groups and helps them to implement their community-based projects."

1. Does the "in-house counsel" approach differ from the "business-planner" approach described by Southworth?

## QUESTIONS

### B.3. "REBELLIOUS" LAWYERING

In contrast to the view that community lawyering involves traditional legal skills and lawyer roles, others argue that representation of low income communities calls for a new vision of legal practice. Under this view, community lawyers must develop an expanded range of techniques and a battery of nontraditional skills in order to be effective in building and mobilizing a community so that it can attain the shared goals of its members. This approach emphasizes the differences between effective lawyering for poor communities and traditional law practice.

#### i. Visions of A New Model

Gerald López has created a terminology that contrasts traditional lawyering with what he sees as a new kind of "community lawyering." See Gerald R. López, *Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice* (1992). Professor López distinguishes "regnant" or traditional lawyering from what he terms "rebellious" lawyering. One recent commentator has explicated López's distinction as follows:

"Regnant lawyering is simply the standard conception of poverty lawyering. Although it is a client-centered approach, regnant lawyering brings lawsuits designed to obtain rights and institutionally-defined remedies for poor clients. The regnant lawyer translates client grievances into legal claims and uses the court system as a forum for redistributing power to subordinated groups.

According to its critics, regnant lawyering has a myriad of flaws. First, lawyers, with their legal expertise, have a tendency to dominate the attorney-client relationship and further subordinate the already subordinated. . . . Second, regnant lawyers spend all of their time litigating, which sometimes leads to short-term victories but rarely challenges underlying obstacles to social justice. . . . Third, regnant lawyers themselves doubt their ability to effect meaningful institutional change, yet fail to try new approaches. Ironically, they inadvertently bolster what they want to deconstruct—the status quo. . . .

[López and others] offer an alternative model, "rebellious lawyering," in which lawyers "ground their work in the lives of the community of the subordinated themselves." Rebellious lawyering mobilizes, organizes, and empowers clients to formulate a collective response to issues poor people face. It demands cooperation and collaboration between clients, lawyers, and other lay professionals in an effort to overcome the oppression inherent in the poverty law context.

Instead of being a linear professional service, rebellious lawyering is a "collaborative communicative practice" or "dialogic empowerment" . . . . treating clients as experienced self-advocates who are capable of resisting and reversing subordinated status. Rebellious lawyers also can help initiate a broader community dialogue that enables clients to share similar experiences with each other and serves as a precursor to class consciousness. In the final stage, this dialogue

Janine Sisak

IF THE SHOE  
DOESN'T FIT . . .

SUPRA  
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L.J. 873, 881-84  
(1998)

forms a basis for effective coalition-building that encourages community-driven strategies with both legal and non-legal components.

Such coalition-building creates a delicate group dynamic. Ultimately, the lawyer does not assume a leadership position. Instead, as a team player, she offers a unique perspective, but limits her input to analyzing the legal ramifications of any proposed strategy. Nonetheless, the rebellious lawyer is often well-positioned to serve as a facilitator to the conversational process. . . .The resulting collaboration reflects a mutuality whereby each party always teaches, always learns."

## QUESTIONS

1. Do you find the terminology of "regnant" and "rebellious" lawyering helpful in providing an explanation of what distinguishes community lawyering approach from other lawyering practices?
2. Do you agree with López and his supporters that regnant lawyering is fatally flawed? Do clients seek empowerment, or help in solving a specific problem when they contact a poverty law office?
3. Are there elements of regnant lawyering that a rebellious lawyer might use? If so, does this undermine the distinction?

4. Do you think that fostering a more open dialogue between lawyers and their clients will change the nature of power between them?
5. Will rebellious lawyering help bring about lasting social change? If so, how? Does rebellious lawyering implicitly rely on assumptions about the causes and nature of poverty, or is it a methodology that can be used effectively by lawyers independently of any particular theory of poverty?

### *Third Dimension Lawyering*

Lucie White has used the term of "third-dimension lawyering" to express a concept similar to López's rebellious lawyer. She explains that many oppressed people do not clearly perceive their grievances.

"[They] feel cheated but have no clear sense of who is responsible. . . . Such people will not give the right answers when the well-meaning lawyer innocently asks 'What is wrong?' . . .

The lawyer . . . can work with those groups in a joint project of translating felt experience into understandings and actions that can increase their power. This is the project of lawyering on the third dimension. . . .

If a lawyer wants to stimulate change on the level of consciousness, she has much to learn from the writings of Paulo Freire and the paral-

Lucie White

TO LEARN AND  
TO TEACH

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1988 WISC.  
L.REV. at  
760-762

lel feminist methodology of consciousness raising. Freire's work shows how an active, critical consciousness can re-emerge among oppressed groups as they reflect together about concrete injustices in their immediate world and act to challenge them. He views this liberation of consciousness as fundamentally a pedagogic process. It is an unconventional, non-hierarchical learning practice in which small groups reflect together upon the immediate conditions of their lives. The groups first search their shared reality for feelings about that reality that have previously gone unnamed. They then attempt to re-evaluate these common understandings as problems to be solved. They collectively design actions to respond to these problems and, insofar as possible, to carry them out. They then continue to reflect upon the changed reality, thereby deepening their analysis of domination and their concrete understanding of their own power. . . .

The lawyer must learn to engage with clients in a conversational process of naming and critiquing their immediate reality. This process, as laborious as it may seem to the result-oriented lawyer, must be the center of a third-dimension practice of law. . .

. . . [T]hird dimension lawyering involves helping a group learn how to interpret moments of domination as opportunities for resistance. The lawyer cannot simply dictate to the group what actions they must take. Neither the lawyer nor any single individual is positioned to know what

actions the group should take at a particular moment. . . . The role of the lawyer is to help the group learn a method of deliberation that will lead to effective and responsible strategic action. . . .

Why should this "third dimensional" work be thought of as lawyering at all? It certainly can be done without an attorney's license and, indeed, without any legal training at all. Nevertheless, fluency in the law -- that is, a deep practical understanding of law as a discourse for articulating norms of justice and an array of rituals for resolving social conflict -- will greatly improve a person's flexibility and effectiveness at third dimension lawyering. An understanding of law as discourse on norms will help him work with the clients to deepen their own consciousness of their injuries and their needs. Knowledge of the law's procedural rituals will give the group access to a central arena for public resistance and challenge. It is also possible, however, that professional identification as a lawyer can narrow one's strategic imagination. Perhaps the best arrangement is for lawyer-outsiders to work side by side with outsiders trained in other fields."



## QUESTIONS

1. Is there a theory of poverty behind Professor White's vision for "third dimension" lawyering? What does White believe is important about this type of lawyering?
2. Are lawyers skilled at helping groups go through a process of collective learning? As White asks, is it lawyering or is it something else? Are you persuaded that poverty lawyers should make this process a central part of their work?
3. What does White mean when she writes that clients will not give the "right" answers when asked to identify problems? Does White's discussion suggest that the lawyer should start with a view of what answers are "right?" If so, how community driven is third dimension lawyering?

### ii. Methods of Rebellious Lawyering: Empowerment and Education

As the readings above suggest, one aspect of rebellious lawyering is community empowerment. At the Symposium on *Lawyering for Poor Communities in the Twenty-First Century*, Sam Sue, an attorney at New York Lawyers for the Public Interest, one of the three organizations featured in *So Goes A Nation*, offered his vision of community empowerment:

"What I'd like to talk about is a new or non-traditional approach to providing legal services to the poor. In this approach, a law office provides both legal and organizing assistance to a community to empower a community.

Why is this approach important at all? Community empowerment is an important process that plants the seeds that build the abilities of communities to lead their own movements to create change. And, unfortunately, the traditional lawyer-client paradigm doesn't necessarily promote empowerment. In fact, sometimes the traditional paradigm disempowers neighborhood residents.

Sometimes lawyers come into a community to provide assistance to a community group, take over the community's struggle, win the struggle on behalf of the community and then go away, this leaving the community no more empowered than they were when the attorney first came into the picture.

But as we know, a law office's involvement in the community doesn't have to be that way. . . .

In this empowerment paradigm, the lawyer does what a lawyer is trained to do. He or she assesses the facts, applies the law to the facts, gives legal advice, and also brings litigation when necessary. But the difference in this paradigm is that the lawyer doesn't dominate the community's struggle . . . . He gives the community residents space . . . so that [they] can make their own decisions on their own.

Roundtable  
Discussion:

REMARKS OF  
SAM SUE

25 FORDHAM  
URB. L.J. 699,  
701 (1998)

And the community organizer in this paradigm serves as a coach. He pumps up the self-confidence of the community residents; he builds the abilities of residents to set their agendas, to run their meetings, to formulate their strategies and to make their own decisions."

## QUESTIONS

1. What does "empowerment" signify to Sue's approach to lawyering?
2. What theory of poverty seems to motivate this approach to lawyering for low-income communities? What problem is the empowerment paradigm intended to address?
3. Jennifer Gordon has stated: "I have never been fond of [the term 'empowerment']. It seems to imply that power can be given by one person who has it to another who does not without reference to all of the structural impediments to poor people's use of that power. It has become fashionable recently to use the phrase 'leadership development' instead of 'empowerment,' but this term also begs the question of which leaders are developed and for what purpose. Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, The Workplace Project and the Struggle for Social Change*, 30 Harv. C.R.-C.L. Rev. 407, 421, n. 78 (1995). Do you agree with her critique of the concept of "empowerment"? Does this terminology matter?
4. How do the roles of lawyer and organizer differ in Sam Sue's approach? Are there any potential conflicts that could arise between lawyer, organizer and the community group?

A second major aspect of "rebellious lawyering" is community education. As Lucie White puts it: "Challenging subordination on the level of consciousness entails educational work in the broadest sense, working with people to engender changes in how all participants view themselves and the world." White, *supra*, 1988 Wisc. L.Rev. at 763. One commentator has analyzed the role of community education in traditional lawyering for low-income people.

"Within the current LSC [Legal Services Corporation] model, staff attorneys only conduct a limited amount of community educational work, commonly referred to as "outreach" or community legal education ("CLE"). Examples of community education include workshops for schools and community organizations, pamphlets and "do-it-yourself kits," news columns, and television and radio shows. The goals of a community education program include "encourag[ing] planning on the basis of legal rights and obligations," "mobiliz[ing] individuals and groups to pursue their rights," "facilitat[ing] and strengthen[ing] community organizations," "foster[ing] self-help activities for which lawyers will not be necessary," and "demystify[ing] ... the law."

With few exceptions, community education is not an established part of Legal Services programming. One major study, published in 1970, found that of all the goals of the OEO Guidelines, community education has been perhaps the most neglected. Another study, conducted in 1978, found

Ingrid V. Eagly,

COMMUNITY  
EDUCATION:  
CREATING A  
NEW VISION  
OF LEGAL  
SERVICES  
PRACTICE

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REV. 433, 441-  
42 (1998)

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author

that Legal Services lawyers spent an average of only 4.1 hours per month on community education, compared to over 50 hours per month on law reform. Some of the reasons cited for this under-use of community education include the perception that community education is not a necessary complement to litigation and the reality that over-worked Legal Services programs do not want to increase the demand for their limited resources.

The form of educational work that is probably most familiar to Legal Services attorneys is workshops for social services workers; trainings for the client population are conducted only on rare occasions. When outreach is conducted for clients, it generally takes the form of "know-your-rights" workshops, which consist of a speech about the law, followed by time for the participants to ask questions and receive brochures describing the services available. Furthermore, many Legal Services attorneys believe that "outreach" to the client population does not require significant legal knowledge and therefore is not a good use of the lawyer's time. Because the lawyer's resources should be spent litigating cases, such projects are often delegated to student interns and paralegals. As a result, rarely do such initiatives develop continuity or become part of the established work of the agency."

1. Why do you think community education is an important component of "rebellious lawyering?"
2. Is there a difference between community legal education as traditionally provided by legal services programs and community education as envisioned by White, Gordon and other proponents of rebellious lawyering?
3. Are the reasons that Eagly provides to explain why lawyers for low-income people have not provided community education valid?
4. Should the focus be on providing more lawyers to serve low-income people, or on training people to represent themselves? Or should the focus be on changing institutions so that trained advocates are not necessary?

## QUESTIONS

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### iii. Expanded Lawyering Skills

Community lawyering calls upon lawyers to develop and employ a whole range of skills—conventional and unconventional. In a response to *So Goes A Nation*, Louise Trubek discusses this issue.

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Louise G. Trubek

REINVIGORATING  
POVERTY LAW  
PRACTICE: SITES,  
SKILLS AND  
COLLABORATIONS

25 FORDHAM  
URB. L.J.  
801, 805-07  
(1998)

"The stories told in these three projects demonstrate a range of lawyering skills. First, there are the conventional skills: analyzing statutes, understanding legal procedures, legislative lobbying, and representing individual clients in hearings. The Brooklyn story describes one lawyer's statutory analysis which enabled the Brownsville Family Healthcare Center to obtain bonds to build a marvelous medical facility in the community. The Environmental story discusses a lawyer's knowledge of administrative procedures which allowed the Red Hook United Coalition Against Sludge to block the building of a sludge plant in their neighborhood. The Workplace story explains the project's successful lobbying effort that resulted in the passage of state legislation penalizing employers for non-payment of wages. This project's representation of individual clients in fair labor standards procedures is also noted.

These stories also demonstrate skills that are unconventional: educating communities and clients about laws and legal institutions, researching community institutions and the local economy, and facilitating coalitions and group action. For example, the Workplace Project has

the most developed community education program. Project staff conduct a mini-school where classes on labor laws are taught to community members. These classes are an essential element in their organizing and representation model. The environmental story tells how one lawyer researched the impact that a high number of environmentally degrading facilities would have on the viability of the community economy and day-to-day living conditions. This story also stresses the unique skills required to bring together diverse groups in the community to create unified opposition to the siting of harmful facilities. Brooklyn Legal Services worked with health care leaders to access government financing to upgrade a local health care facility. The growth of this facility both enabled community economic development and improved health care delivery.

The struggle to broaden and legitimate skills that poverty lawyers can use to effectively assist poor people is long-standing. Organizing clients and educating people on rights has been advocated since the 1960s. . . . However, the pull of traditional lawyering methods such as individual case representation and impact litigation is enormous. Jennifer Gordon, the founder of the Workplace Project, notes the difficulty of integrating case representation into a community organizing strategy. She asserts that clients are often more comfortable with individual case representation offering only short-term success rather than the long run struggle to educate and organize the community."

## QUESTIONS

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1. Unconventional lawyering can be controversial. One commentator has asked “[D]o lawyers have the capability, do lawyers have the skills to do community organizing, community development? Are these things that we really should be asking lawyers to do . . .?” Roundtable Discussion, *supra*, 25 Fordham Urb. L.J. at 752. Jennifer Gordon responded: “See, I think that nobody would argue with the premise that in the business context, lawyers make mergers, lawyers do business, lawyers organize things, bring different corporations together that lawyer have a broad range of things to offer to their clients in business.” *Id.* Is Gordon’s answer is satisfactory? Does it suggest a link between the “rebellious” approach and the “in house counsel” model of community lawyering?

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Louise Trubek

REINVIGORATING  
POVERTY LAW  
PRACTICE

SUPRA,  
25 FORDHAM  
URB. L.J. at  
806-07

“The emphasis on collaborative relationships across professions and between client groups and lawyers is the third notable element [of community lawyering]. The Brooklyn story discusses the strong alliance between the physician-director of the Brownsville Family Healthcare Center and the legal services lawyer. The shared vision and expert knowledge of these two professionals allowed the expansion of a health care facility which now provides accessible care in a low-income community. The Workplace and Environmental stories both dramatize the role of community organizers who work with lawyers to create community alliances. These organizers possess both a knowledge of community resources and constraints and the skills and experience of bringing people and groups together.

One advantage of these collaborative relationships is the exchange of skills and strategies. No one profession has the perfect strategy for social change, but each offers important skills and talents towards this goal. Social change lawyers should expand their practices through this type of multi-professional collaboration. For example, social workers are essential in child welfare advocacy projects. Similarly, collaboration with scientists in environmental cases is crucial. In addition, housing policy advisors often work with lawyers to develop strategies and programs to house the homeless. Multi-professional collaboration allows clients to obtain holistic services. It also creates opportunities to access additional sources of funding; multi-professional projects are better able to compete for grants and contracts so they may provide a more diverse package of services.”

## QUESTIONS

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1. Paula Galowitz has written that “the practice of the legal profession itself reflects an individualistic, non-collaborative view.” Paula Galowitz, *Collaboration Between Lawyers and Social Workers: Re-Examining the Nature and Potential of The Relationship*, 67 Ford. L. Rev. 2123, 2145 (1999). What aspects of the professional standards and cultural norms of the legal profession lead Professor Galowitz to draw this conclusion? Do you agree with her?
2. Collaboration with other professional and organizers raises some ethical difficulties because lawyers are held to rules of profes-

sional conduct that differ from the standards that govern the other professionals. For instance, lawyers must keep client confidences secret whereas social workers must report certain client conduct, such as abuse and neglect. How should lawyers address this problem?

3. Can you think of any problems with client or co-professional collaboration? What are the limits of a collaborative approach? Is there a role for collaboration in crafting legal arguments? Can collaboration be inconsistent with the requirement of zealous advocacy?
4. With which professions should community lawyers seek collaboration?

#### iv. Rebellious Lawyering Applied

##### *Environmental Justice*

The video *So Goes a Nation* includes a segment on the Environmental Justice Project of New York Lawyers' for the Public Interest. NYLPI attorney Sam Sue described the project:

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REMARKS OF  
SAM SUE

25 FORDHAM  
URB. L.J. 699,  
701 (1998)

"I would like to talk about the work of my office (NYLPI) in a Brooklyn community called 'Red Hook' In this poor community, several years ago, the City was proposing to build a sludge processing plant, and this plant would have endangered the health and safety of many residents of this very poor community.

So a civic association in the neighborhood called NYLPI for assistance and I, as the attorney, came in, provided the community with a sense of what kinds of procedures the City had to go through to approve the siting of the sludge plant. I laid out the legal grounds that could be argued to stop or slow down the siting of the sludge plant, and also talked about what kinds of grounds or what kinds of lawsuits we could bring and when such a lawsuit could be brought.

And Eddie Bautista, the NYLPI organizer, worked with the residents to put together a multi-prong strategy to stop the siting. And an important part of the strategy was the inclusion of public housing tenants in the campaign against the sludge plant.

Eventually, due to the community's pressure on the City, the City withdrew the proposal. But that's only the beginning of the story here. Because after the sludge plant victory the community undertook various other community initiatives, grew and thrived with the support of NYLPI's community organizer. For instance, the community went through a planning process for new growth and development to create more jobs, housing and social services. The community pressed for public access on a waterfront site that had been taken over by the Police Department. The community started a banking committee to press for a bank branch—this is a neighborhood where banks ran away instead of setting up shop—and the community continued to fight against the facility handling asbestos-laden waste.



The residents were in control of each of these initiatives, which received support from the community organizer and various other law offices, including ours. For instance, Eddie Bautista, the organizer, worked with a South Brooklyn Legal Services attorney and worked together to provide support to the community banking committee. And Eddie, the organizer, helped to connect private law firms through our Clearinghouse willing to provide pro bono service to many of these community initiatives.

And the Red Hook community wasn't the only party that was affected by this experience. Our office was affected by this experience as well. As a result of our experiences in Red Hook, NYLPI realized that there were environmental injustices not only in Red Hook, but also throughout the City. This realization led to the formation of the Environmental Justice Project a few years ago. So what can we conclude from this example of empowerment? The first is that community residents can wage their own struggle for change when they're given the opportunity and when they're given the access to legal, organizing and technical resources.

The second point here is that [by] providing th[is] kind of support to communities you increase the ability of communities to come up with proactive ways and strategies of dealing with problems. They're not just being reactive to problems.

And the third point here is that the empower-

ment paradigm involves a very intense relationship between the lawyer and the client. It means a lot of meetings and it means a lot of intense interaction with community folks. . . .

[The final] point is less a conclusion but more of a recommendation for any of those fledgling public interest lawyers out there: perhaps law students should have a course, or part of a course, that's entitled "Community Organizing for Lawyers." The purpose of this course isn't to turn lawyers into organizers. It's to turn lawyers-to-be into lawyers who can in the future work better with organizers. This is not so out of place given the fact that there is an 'Accounting for Lawyers' course as a staple course at any of the law schools."

## QUESTIONS

1. Is community empowerment lawyering most effective when working on environmental issues or do other issues lend themselves to this model?
2. Why do lawyers need to be involved in community empowerment? What do they add to the work of community organizers like Eddie Bautista?
3. Do you agree that law schools should provide training to prepare lawyers for this kind of work? What issues would a course in "Community Organizing for Lawyers" address?

Luke Cole, an attorney with the California Rural Legal Assistance Foundation, has also written about the impact that lawyers can have by focusing on environmental issues in poor communities:

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Luke W. Cole

THE CRISIS AND  
OPPORTUNITY  
IN PUBLIC  
INTEREST LAW:  
A CHALLENGE  
TO LAW  
STUDENTS  
TO BE  
REBELLIOUS  
LAWYERS IN  
THE '90S

4 B.U. PUB.  
INT. L.J.  
1, 10-11  
(1994)

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"We do environmental justice work for two reasons. The first, and most obvious, is the impact of environmental hazards. Every environmental hazard that affects humans, from air pollution to lead poisoning, from the siting of toxic dumps to pesticide poisoning, from rat bites to contaminated groundwater, affects poor people and people of color more than it affects wealthy people and white people. . . .

[W]e also do it for the opportunity. Environmental cases serve as great organizing tools, unlike most of the standard legal services fare, such as housing law, immigration law, or public benefits law. For example, a housing law client being evicted sees herself as having an individual problem. An immigration law client being deported experiences his deportation as an individual problem. A public benefits client experiences her denial of Social Security benefits as an individual problem. This is the case even if the real problem is a community or even national problem, such as lack of affordable housing, overly restrictive immigration laws, or pernicious Social Security regulations. If someone, however, is going to put a toxic waste incinerator into a poor neighborhood, it is easy for residents to see that as a community issue. Our client groups use environmental cases as an organizing

tool, to bring poor people together to realize, and hopefully exercise, their collective strength. . . .

We are working with people in low-income neighborhoods to build their communities, to empower themselves. This is exciting work. It is what being a poor peoples' lawyer is supposed to be all about."

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## QUESTIONS

1. What issues can be thought of as matters of "environmental justice?" Clearly, air and water quality are traditionally seen as environmental issues. What about lead paint and other toxins that are common in low income communities? What about substandard housing generally? What is gained by thinking about these issues in environmental terms? For more information about environmental justice, see Symposium, *Environmental Justice*, 21 Fordham Urb. L.J. 425 (1994).
2. Is it appropriate for poverty lawyers to focus on some issues rather than other because they serve as better organizing vehicles?

### *The Workplace Project*

In *So Goes A Nation*, you will be introduced to attorney Jennifer Gordon and her organization, The Workplace Project. Gordon built an organization that eventually became centered upon a "rebellious lawyering" approach. Gordon describes this evolution of her law practice:

Jennifer Gordon

WE MAKE THE  
ROAD BY  
WALKING:  
IMMIGRANT  
WORKERS, THE  
WORKPLACE  
PROJECT AND  
THE STRUGGLE  
FOR SOCIAL  
CHANGE

30 HARV. C.R.-  
C.L. REV. 407,  
430-31 (1995)

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"During the first two years of its existence, we thought of the Workplace Project as housing three distinct programs: (1) a legal clinic for immigrants with labor problems; (2) a community outreach and education program on workers' rights; and (3) an organizing project. We have come to realize that this is not how we want the Project to function. Instead, we now see organizing immigrant workers as both our end goal and our core strategy. Our community education programs and legal clinic are part of this organizing effort. Both of these programs are designed to deepen workers' involvement in the Workplace Project and their analysis of the position of immigrants in the United States economy. As a whole, the programs support and train workers as they turn these analyses into strategies for change.

The Project has two goals for its organizing program. The first is to build an active, grassroots organization that is run democratically by low-income immigrant workers. Because of this, the Project has an all-worker membership from which the board of directors is elected as well as several worker committees. We see this organizational development work as an essential component of our second goal, mobilizing workers for structural change. . . .

. . . Although I had hoped originally to provide legal services for workers with labor problems in order to draw workers into our organizing efforts, it soon became clear that we needed a more complex vision of how the law could func-

tion to support organizing campaigns rather than simply attract people to them.

It soon became obvious that by providing legal services for individual workers, we were undermining our goal of organizing the community. My initial vision of legal services as a draw for our organizing work was a principal reason for this problem. In our eagerness to develop a good reputation in the community, we initially focused on providing effective legal representation, especially for those who had been denied their back wages. Because we promised free legal consultations every Monday, workers came to the clinic expecting to present their problem to a lawyer and to be advised about possible legal solutions and how to pursue them. Given this set-up, they were reluctant to discuss the larger circumstances surrounding their problem, its root causes, and creative ways to solve it. Our ideal Freirian process—beginning with problem identification and ending with collective action—stopped before it got started.

Furthermore, a successful experience with legal services taught the worker nothing more than reliance on legal services. The worker who benefits from the legal action has not learned the skills that she will need to fight back the next time she is exploited; instead, she has learned that she should seek out a lawyer to solve her problems. The entrenched societal belief that a lawyer, doctor, or accountant knows how to solve problems better than the layperson also encourages this response. Once a problem has been

defined as part of the legal sphere, people are reluctant to take it back into their own hands.

We were also disturbed to find that the successful provision of legal services in the employment context often co-opts potential leaders. Going to a community labor-rights office such as ours entails risk taking for an immigrant worker, who knows that other workers or her employer could easily become aware of the step that she has taken. Therefore, the workers who bring their workplace problems to our office tend to be the most motivated, the most active, and the most prone to taking chances. Naturally, these individuals make the best leaders for a future organizing campaign. Once we win their lawsuit and they get their money, these workers often leave the workplace. The rest of the workers, who would have benefitted from their leadership had they stayed, are left to suffer. By "paying off" the bravest and most determined workers with a settlement or an award, the Workplace Project's legal program plays the role of the employer who decapitates an organizing effort by making a deal with its leaders. . . .

In response to the concerns detailed in the sections above, the Project staff has restructured the legal services program. The "new" clinic's structure is based on two tenets. First, in the context of limited resources, legal assistance should go to workers who want to be active participants in our programs, rather than to those who expect to be the passive recipients of a service. Second, once a worker is committed to

fighting for better working conditions, problems must be addressed through a team approach. This approach necessarily involves as many workers from the affected workplace as possible, an organizer, and when necessary, a lawyer or supervised legal advocate. . . .

If at any point it becomes clear that legal services will be a part of the strategy, the worker or workers are asked to sign a contract. Through the contract, the Workplace Project commits to providing legal services on a particular issue. In exchange, in addition to paying our fee, the worker must participate actively in her own case and in the organization. As a condition for receiving legal services, the worker must agree either to join a workers committee, take the workers course, or participate in a campaign or event sponsored by the Project. Workers who do not make this commitment are offered counseling and referrals, but are not given legal representation."

## QUESTIONS

1. Do you think the Workplace Project has successfully implemented "rebellious lawyering?"
2. Do you think the Workplace Project made the right decision when it de-emphasized individual legal services in its clinic?
3. Gordon has goals for the extent and nature of the impact of the Workplace Project upon labor issues in Long Island, New York. What if the workers just wanted individual repre-

sentation and did not care about any larger context for their subordination? Is this rebellious lawyering more lawyer-driven than it seems?

4. Is it coercive for the Workplace Project to provide legal representation only upon the condition that the client become actively involved in the organization? Gordon responds to this query in two ways: "First, by rationing legal services based on an analysis of which clients are most likely to turn into participants and leaders, the Project hopes to be able to serve its long-term goals while preserving the usefulness of the legal clinic. Second, because we do not have the resources to represent everyone who comes to our door, it is imperative that we ration our legal services. Rather than make a 'value-neutral' rationing decision, our determination of who will receive legal services coincides with our larger goals." Do you find Gordon's response convincing?
5. Can you think of a project structured like the Workplace Project that would alter some issue in your community?

Jennifer Gordon describes the "community education" aspect of the Workplace Project, as follows:

"Once workers are drawn to the center through outreach and legal services, they are encouraged to continue learning about their rights through the more intensive Workers Course. The Project's Workers Course is a focal point of the organization and increasingly draws even those workers without any current labor problems into the fold of the organization. The eight-week course, taught in Spanish three to four times each year, provides participants with information not only about legal rights on the job but also about labor and immigration history. The course also helps workers develop their analytical and organizing skills. Its graduates become members of the organization, eligible to serve on the board of directors. It is heavily advertised, both through ads and articles in local newspapers and through fliers designed and distributed by graduates of the previous course.

Weekly topics discussed during the course include a session about immigration and labor history in the United States; sessions presenting specific areas of labor rights, such as wage and hour laws, health and safety rights, and unemployment benefits; and several sessions on organizing techniques. The course emphasizes the development of leadership skills including speaking in front of a group, analyzing and investigating problems, and developing strategies to tackle complex issues. Throughout the course, we use popular education techniques pioneered in

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Jennifer Gordon

WE MAKE THE  
ROAD BY  
WALKING

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30 Harv. C.R.-C.L.  
REV. at 434-38



Latin America by Paulo Freire and in the United States by Myles Horton. Through these techniques, the participants use their own experiences as a text for analyzing the problems that their communities face.

Unlike the "know your rights" workshops that public-interest and legal-aid law offices often offer to the community and which are designed only to give people basic information about the law and how to use it, the Workers Course is set up to provide group opportunities for reflection that will lead to analysis and action. For example, a traditional "know your rights" workshop on health and safety might begin with a review of common health and safety hazards and be followed by a talk from a lawyer or an OSHA representative about "how to file a claim with OSHA." In contrast, our first class about health and safety rights begins with a videotape called "Uvas No" ("No Grapes"), put out by the United Farm Workers. In graphic detail, the video demonstrates the effects of pesticides on the farm workers and on their children, who are often stricken with cancers or born without limbs. The movie closes with a call for a boycott against grapes. . . .

At the end of the course, participants design an action plan for a health or safety problem that they face using their analysis of their own situation and the skills they have learned through the class. In one session, the class chose the lack of adequate heat in many workplaces as the focus of their action plan. This topic provided an inter-

esting contrast to the traditional "know your rights" approach. Because there is no legal right to heat on the job in New York State -- even in winter -- the traditional legalistic approach would have proved inadequate for tackling this problem. By contrast, the methods that we used encouraged the class to develop a strategic plan for fighting this serious problem. This plan included a public information campaign, legislative work to change the law, and work slowdowns in response to individual employers' refusals to provide heat.

Students are charged for the course not in money but in time. Each graduate must put at least ten hours of her time back into the organization and the community in order to teach others what she has learned and to involve more workers in the fight for rights at work. As the class draws to a close, workers sign up to "pay" their ten hours by joining committees which will continue meeting at the center after graduation. Workers can join the Workplace Project's standing workers committee described earlier, C-POL. Alternatively, they can become members of ad hoc committees -- such as the committee to plan and teach the next class, a committee to plan a Labor Day parade, or a committee to carry out educational events in churches. The ten hours that each worker puts into one of these committees builds a bridge between the classroom and the organization, bringing each class participant into the Project so that she begins to participate actively in the work of the center."



**QUESTIONS**

1. What is your overall reaction to the community education aspect of the Workplace Project?
2. Gordon stated above that the goals of the Workplace Project were twofold: (1) "build[ing] an active, grassroots organization that is run democratically by low-income immigrant workers" and (2) "mobilizing workers for structural change." How does the community education component of the Workplace project fulfill these goals?
3. The members of the Workplace Project attend, design and help teach most of the community education courses. What, if any, is the role for a lawyer in this process?

"If we accept the importance of community, we still must examine how to consider the needs of community in relation to the rights of the individuals who comprise it. Most communitarian visions conflict with the liberal tradition in our country of emphasizing the rights of the individual....[A communitarian] advocates for 'politically motivated' lawyers who responsibly 'represent the political aims of [their] entire client constituency, even at the price of wronging individual clients.'...Critics of communitarianism fear the oppression of individuals by the collective.... While a [traditional legal] service model is centered around the representation of distinct, individual clients in discrete legal disputes, the community-based model, as its name suggests, starts from the fictional presupposition that the community itself is the client....A community-based model strives to bring coherence to the array of services offered by legal services offices by matching community needs with the services provided."

1. If the community is the client, how does one define the "community?" Who should define the community?
2. How do lawyers resolve the tension between the greater good of the community and the needs of the individual?
3. Professor Southworth has observed that "Lawyers for poor people often serve groups rather than individuals. Yet, our conceptions of ethical lawyering draw primarily from mod-

**B. 4.  
REPRESENTING  
COMMUNITIES**

Raymond H.  
Brescia, Robin  
Golden, & Robert  
A. Solomon

WHO'S IN  
CHARGE  
ANYWAY? A  
PROPOSAL FOR  
COMMUNITY-  
BASED LEGAL  
SERVICES

25 FORDHAM  
URB. L.J. 831,  
850-856 (1998)

**QUESTIONS**

els of service to individuals.” Ann Southworth, *Collective Representation for the Disadvantaged: Variations in Problems of Accountability*, 67 Fordham L. Rev. 2449, 2472 (1999). Should the Model Rules of Professional Conduct be revised to address more clearly the issues that arise in group representation?

4. Jennifer Gordon has argued the following: “Many of the ethical rules that govern the conduct of attorneys have been developed in the context of private lawyering and, thus, conflict with lawyering in the context of a larger mobilizing effort. For example, Canon 5 of the Lawyer’s Code of Professional Responsibility, entitled ‘A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client,’ states in part: ‘Neither [the lawyer’s] personal interests, the interests of other clients, nor the desires of third persons should be permitted to dilute [the lawyer’s] loyalty to his client.’ Model Code of Professional Responsibility and Code of Judicial Conduct EC 5-1 (1986).” Gordon, *supra*, 30 Harv. C.R.-C.L. L. Rev. at 441, n.97. What problem, if any, does this Canon pose for community lawyers?
5. Central to the issue of representing communities is the question of who speaks for a community? While accepting community empowerment and mobilization as long term goals, Paul Tremblay has suggested that individual members of the community can present

a skewed view of the overall needs of the community and its interests. Paul Tremblay, *Acting ‘A Very Moral Type of God’: Triage Among Poor Clients*, 67 Fordham L. Rev. 2475, 2509-11 (1999). Accordingly, he concludes that poverty law offices must exercise independent judgment in choosing strategies. Professor Tremblay argues that poverty lawyers serve as trustees charged with balancing the short term and long term needs of poor communities. In response, Justine Dunlop has taken issue with the notion of the poverty lawyer as a trustee, posing the rhetorical question: “Isn’t it rather audacious to assume that we can judge what is best for our clients – or potential clients?” Justine, Dunlop, *I Don’t Want to Play God – A Response to Professor Tremblay*, 67 Fordham L. Rev. 2601, 2611 (1999). Is Professor Dunlop correct that the notion of the poverty law office as trustee is inconsistent with the goal of community empowerment? On the other hand, is it irresponsible for the lawyer to abdicate all independent judgment?

6. Marshall Breger has argued that in rationing services, poverty lawyers should avoid making paternalistic decisions about the needs of the community they serve. See Marshall J. Breger, *Legal Aid for the Poor: A Conceptual Analysis*, 60 N. Car. L. Rev. 281 (1982). Would a first come first served model of case selection address this problem? Is this a satisfying resolution of the problem?

*Defining Community*

Proponents of community lawyering have defined the term "community" in a variety of ways. Consider the following explanations of the term:

- a. "The origins of the word community come from the Latin *communis* or fellowship 'implying the quality of a community of relations and feelings.' This 'sense of community' or 'felt experience belonging, connection, shared meanings or identity of being in relation with fellow members' is the 'organizing concept for the psychological study of community.' Before American society became as mobile as it is today, this sense of community was synonymous with a geographical location such as town or neighborhood. . . . Today, we have other competing conceptions of community which definitions by work group, ethnic identity and sexual orientation. These competing conceptions do not diminish the importance of geographical definitions, particularly in poor urban neighborhoods." Brescia, et al., *supra* 25 Fordham Urb. L. J. at 848.
- b. "My use of the single term "community" to describe Central Americans or immigrant workers on Long Island and the idea that I am an "outsider" to this "community" are in some ways too simple. Even within a very specific subset of people – such as male immigrants to the town of Glen Cove, Long Island, original-

ly from Poloros, Department of La Union, El Salvador – there are vast differences in political outlook, former occupation and class, and religion. Although these men may feel similarly about the town government of Glen Cove and its attempts to rid the town of Salvadorans, they may have very different views about participating in a strike for better wages. These differences make it impossible to talk honestly about "community" without reference to the purpose for which the community has developed." Gordon, *supra*, 30 Harv. C.R.-C.L. Rev. at 428.

- c. "Community is not a racial group; community is a cultural group that self-defines itself in terms of what they have in common. . . . Community is people who have a cultural affiliation with one another, that share common values and mores, and have a world view that is together." *Roundtable Discussion: Visions For the Future*, 25 Fordham Urb. L.J. 729, 737, 755-56 (1998) (Remarks of Esmerelda Simmons).
- d. "Individuals . . . are poor primarily because their families and neighborhoods are poor. Although 'community' is a problematical term, it is nonetheless apt in the context of the client poverty to be addressed here. Community . . . is not a romantic abstraction, but rather the site of material deprivation and relations that are formed to cope with oppressive circumstances." John Calmore, *A Call to Context: The Professional Challenges of Cause*

*Lawyering at the Intersection of Race, Space, and Poverty*, 67 Fordham L. Rev. 1927, 1936-37 (1999).

- e. "Community is, in our concept, a bunch of stakeholders who, for a given issue in a given moment, find unity in something. And God knows how long that unity will last, probably just beyond that one issue." *Roundtable Discussion, supra*, 25 Fordham Urb. L.J. at 755 (Remarks of Eddie Bautista).
- f. "[P]art of the challenge here stems from the unitary notion of community pervading the civil rights movement, the welfare rights movement and even interpretive construction of Rule 23 of the Federal Rules of Civil Procedure. . . Exposing this fallacy renders our decisions concerning group and community representation incoherent and therefore, unprincipled. Yet circumstances compel us to make these decisions on a daily basis. And we make them!" *Id.*, at 750 (remarks of Professor Anthony Alfieri).

## QUESTIONS

1. In your opinion, which one of these definitions of community is most useful to a community lawyering model? Why?
2. Do different approaches to community lawyering militate in favor of a particular definition of "community?"

3. Should one take the definition of "community" from members of that community? And, if there are multiple voices in a community: "What voices do you listen to, how do you get to hear the voices in a community that even defines what a community is?" *Roundtable Discussion, supra*, 25 Fordham Urb. L.J. at 737 (Remarks of Daniel Greenberg).
4. Do you agree with Gordon's and Bautista's formulation that "community" is defined around action or issues? Why?
5. Who should define the community that a community lawyer seeks to serve? The definition of the community can be critical to the selection of objectives and strategies. If the lawyer defines the community, then doesn't the lawyer retain much of the ultimate power in the relationship? Is there any alternative means of resolving conflicting claims about whose interests and voices should be considered part of the community?

C.  
COMMUNITY  
LAWYERING  
AND SOCIAL  
CHANGE

Any discussion of the role of lawyers in addressing issues of poverty must explicitly or implicitly rely on one or more theories of poverty or disadvantage. One must have a viewpoint about the nature and source of the problems in order to form a view about how, if at all, lawyers can help address issues of poverty. For example, it is not self-evident how the establishment of a community health clinic or day care center will lead to significant long term gains for poor communities. One could argue that the legal resources would be better spent advocating for health care reform or child care funding on the national level. Absent reliance on a theory about the processes that create and sustain poverty, community legal work could be viewed as creating more "band-aids," rather than dealing with the underlying problems that cause communities to be poor and to suffer from related social problems.

Sociologist William Julius Wilson has provided an analysis of the problem of urban poverty that may suggest a role for community lawyering. Wilson has emphasized how the social isolation of poor urban communities creates barriers that prevent individuals from joining the social and economic mainstream. He has identified the increasing concentration of urban poverty as a major problem in itself.

"Inner-city neighborhoods have undergone a profound social transformation in the last several years as reflected not only their increasing rates of social dislocation (including crime, joblessness, out-of-wedlock births, female headed families, and welfare dependency), but in the changing economic class structure of ghetto neighborhoods. . . . [T]he movement of middle class black professionals from the inner city, followed in increasing numbers by working class blacks, has left behind a much higher concentration of the most disadvantaged segments of the black urban population."

"[This trend] removes an important 'social buffer' that could deflect the full impact of the kind of prolonged and increasing joblessness that plagued inner-city neighborhoods in the 1970s and early 1980s, joblessness created by uneven economic growth and periodic recessions. This argument is based on the assumption that even if the truly disadvantaged segments of an inner city area experience a significant increase in long term spells of joblessness, the basic institutions in that area (churches, schools, stores, recreational facilities, etc.) would remain viable if much of their base of support comes from the more economically stable and secure families."

In a later book, Wilson explains that as economically secure families leave inner-city neighborhoods:

William Julius  
Wilson

THE TRULY  
DISADVANTAGED

49, 56 (1987)

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William Julius  
Wilson

# WHEN WORK DISAPPEARS

44, 46, 52 (1996)

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"[B]asic neighborhood institutions are more difficult to maintain: stores, banks, credit institutions, restaurants, dry cleaners, gas stations, medical doctors, and so on lose regular and potential patrons. Churches experience dwindling numbers of parishioners and shrinking resources; recreational facilities, block clubs, community groups, and other informal organizations suffer. As these organizations decline, the means of formal and informal social control in the neighborhood becomes weaker. Levels of crime and street violence increase, as a result, leading to further deterioration of the neighborhood. . . .

As the neighborhood disintegrates, those who are able to leave depart in increasing numbers; among these are many working-and middle-class families. The lower population density in turn creates additional problems. Abandoned buildings increase and often serve as havens for crack use and other illegal enterprises that give criminals a foothold in the community. . . .

Neighborhoods that offer few legitimate employment opportunities, inadequate job information networks and poor schools lead to the disappearance of work. That is, where jobs are scarce, where people rarely, if ever, have the opportunity to help friends and neighbors find jobs, and where there is a disruptive or degraded school life purporting to prepare youngsters for eventual participation in the workforce, many people lose their feeling of connectedness to work in the formal economy."

## QUESTIONS

1. What steps can be taken at the local, state and national levels to prevent or arrest the spiral of neighborhood disintegration that Wilson describes?
2. What role do community institutions and organizations play in this process? What role can lawyers play in supporting and building such institutions?
3. Does Wilson's emphasis on the role of middle class inhabitants of poor communities suggest a shift in attention from the poorest residents to those that are better off? Would such a trickle down approach be fair?
4. Wilson does not address problems of rural poverty. Are the problems that Wilson discusses present in rural areas as well?
5. If neighborhood disintegration is caused by national or global economic trends, what is the role for community lawyering? Does strengthening one community simply lead to the decline of another? Note that Wilson himself has argued that "much of the sharp rise in inner city-joblessness in the United States . . . stems from the swift technological changes in the global economy." Wilson, *When Work Disappears* *supra* at 151. The factors that he points to include the decline in industrial mass production which supplied good jobs to individuals with limited skills. The result, he explains, is a widening gap between skilled and unskilled workers. *Id.* at 152.



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Lucie White

FACING SOUTH:  
LAWYERING  
FOR POOR  
COMMUNITIES  
IN THE  
TWENTY-FIRST  
CENTURY

25 FORDHAM  
URB. L. J. 813,  
827-29 (1998)

Lucie White has written about a conference she attended of activists engaged in grassroots community building in developing countries:

"[T]he most recurring theme was that of 'scaling up.' What connects community-based practices of empowerment, organizing and institution building to larger-scale process of political, legal, social, cultural, and economic change? Practitioners of community-based work from all over the world came to the conference well aware that creating moments of empowered community on the local level does not necessarily have any impact on the wider societal trend toward increasing levels of social and economic inequality. Creating moments of community on the local level may not have any impact at all, in the long run, on the increasing levels of destitution, all over the planet, or the poor. . . .

It is easy to undertake community-based work in an age when the President, the Governors, the Congress, and the courts have been both dishonest and mean-spirited about the needs of the poor. Yet if we move to this work without asking ourselves how it can help to combat the larger forces of inequality and injustice in our society, then the work can fairly be dismissed as one more way to put our heads in the sand. . . .

Yet we must not let the very real challenges of theory building in the domain of 'scaling up' or micro-macro linkage, turn us away from the work of community-building, or the work of understanding our own practices, so we can pursue them in more connected and more effective ways."

## QUESTIONS

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1. Is it fair to characterize community lawyering as "putting our heads in the sand"? What does Professor White mean by this? See Matthew Diller, *Lawyering for Poor Communities*, *supra*, 25 Fordham Urb. L.J. at 678 ("a focus on local problems and solutions should not be permitted to slip into a kind of isolationism. . .").
2. Is strengthening community institutions a sufficient end in itself? Indeed, could one argue that revitalizing neighborhoods is a distinct goal, apart from reducing the number of people who are poor? In response to a question, Peter Edelman explained that "it would be wonderful if we could make everybody who is poor, not poor....But that is really only one goal. You're talking about people living in neighborhoods and communities that have real strengths about them and where they can live safely and bring up their children, and that have a quality of life. The opposite, negative quality of life is often associated with being in poverty, but people simply having money isn't going to build communities and build a sense of neighborhood." Peter Edelman, *Opening Address*, *supra*, 25 Fordham Urb L. J. at 718.
3. How, if at all, can community lawyering influence public policies on a state or national level that impact on poor communities? Can community lawyering address the global trends toward inequality that Wilson and White describe?

4. What strategies can community lawyers use to affect broader change without losing the local focus that is the hallmark of a community approach?

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### Segment 1

### BROOKLYN LEGAL SERVICES, CORP. A

## III. DISCUSSION QUESTIONS

These questions are intended to guide discussion after viewing *So Goes A Nation*.

1. In the first segment of the video, we hear the term “poverty lawyer.” How is this term used by the lawyers and other people appearing in the video?
2. We also hear the term “community lawyering” used throughout the video. How is this term used?

ACTIVITY: List some of the discernible characteristics of poverty law and poverty lawyers gleaned from readings and/or the video in two separate columns on the board.

ACTIVITY: List some of the discernible characteristics of community lawyering on the board.

3. What is Paul Acinapura’s conception of the community? Is it a sound conception?
4. Do you get any sense from the video why the lawyers feel that it is necessary to fight poverty or why it is necessary to work for the community? In other words, what thoughts and feelings seem to motivate this type of lawyering?
5. What does attorney Paul Acinapura mean when he says that “I am not coming in on a white horse?”

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**Segment 2**
**NEW YORK  
LAWYERS  
FOR THE  
PUBLIC  
INTEREST**

6. Given the shortage of lawyers available to represent poor people, is it appropriate for Brooklyn Legal Services to undertake the legal work shown in the film if a private firm could be paid to do this same work? What if firms would do this work pro bono?
7. Does it make a difference whether the representation provided by Paul Acinapura is undertaken by a neighborhood legal services office or a large corporate law firm?
8. Is Paul Acinapura a “rebellious” lawyer? Does he view himself in this way?
9. In the second and third segments, we hear the refrain of the “importance of organizers and lawyers working together.” What makes this relationship so necessary in each of the three segments of the video?
10. What can an organizer do that a lawyer cannot do and vice versa?
11. In the second segment of the video involving NYLPI, were the white property owners of Red Hook exploiting the mostly minority members of the Red Hook housing projects by playing the “race card” in order to block environmentally hazardous projects? Or, was the relationship between these two groups “mutually beneficial” as described by Sam Sue? Is there a difference?
12. In the NYLPI and Workplace Project segments, we hear that these lawyers are attempting to enforce state or local statutes that have not been enforced before -- NYLPI enforcing the fair share provisions of the City Charter, and the Workplace Project enforcing dormant labor laws. In what way is a community lawyer or poverty lawyers like a state enforcement agency? Is this role appropriate to a private entity? What role should the state play in enforcing its own statutes such as these?
13. In the second segment of the video, Yolanda Garcia, co-founder and president of community group Nos Quedamos (“We Stay”), states that she is “regulated to death.” What does she mean? Aren’t regulations used by lawyers like Paul Acinapura, Sam Sue and Jennifer Gordon to benefit people like Ms. Garcia and organizations like Nos Quedamos? What is Ms. Garcia’s ambivalence?
14. What does Ms. Garcia mean when she says “so goes a nation?”
15. What is the “holistic” approach that Ms. Garcia describes? What kind of lawyering would fulfill that approach?
16. Ms. Garcia says “Lawyers tend not to take the lead, communities must take the lead. What does she mean? Is she right? Is it possible?”

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**Segment 3**
**THE  
WORKPLACE  
PROJECT**

17. Do any or all of these campaigns or projects depicted in the video seem to be led by the community? How do we know?
18. In the third segment of the video on the Workplace Project, what, if anything, are the differences between the roles played by organizer Omar Henriquez and lawyer Jennifer Gordon?
19. Compare the relationship between Gordon and Henriquez with that of Sue and Bautista. What are the differences and similarities?
20. Ms. Gordon advocates "any means necessary" to aid her clients. What does she mean? Is this an ethical viewpoint for a lawyer to take? If so, why?
21. The Workplace Project engages in advocacy, education, organizing and business-building. Must community lawyers be versed in all these skills to be effective? Must a community law firm offer all of these kinds of assistance in order to make a difference in the lives of its clients? Did all of the law firms and lawyers depicted in the video provide all of these services to clients?
22. What role does client education play in each of the three segments?
23. In the third segment, the Workplace Project's experience led it to propose and obtain pas-

sage of a law that strengthens wage protections. Is this a community lawyering strategy? What kind of connection does it suggest between local activism and broader legal change?

24. How is this scenario concerning the Workplace Project different than a private lawyer for a large oil company who attempts to obtain passage of a law that relieved its client of liability for oil spills?
25. In 1995, Congress prohibited lawyers who receive federal funds to serve low-income clients from lobbying for their clients. Had the Workplace Project received these federal funds, how would the restriction on lobbying limited its work and its accomplishments?
26. How can law students participate in community lawyering? Did you envision a role for law students when you watched the video?
27. What struggle exists in your community that would be aided by employing these strategies of community lawyering?

#### IV. CLASS ROLE PLAY

Break students into project teams. Each will be assigned a role of (1) lawyer; (2) organizer; (3) and community leader. The students will be given a written description of a problem faced by the community group (e.g., proposed siting of sewage plant on the location of a park). The students should work out a strategy to address the problem using the strategies employed by the organizations in the video. You can model these fact patterns to resemble current events or local controversy.

POSSIBLE SCENARIO . The community leader lives in an area with a proliferation of Adult Entertainment Shops. There have been incidents of lewd behavior by patrons of these shops involving members of the community. There is an old Bawdy House Law that is never used. The law states that a business that allows three or more incidents of lewd behavior to take place in or within 10 feet of its establishment can be shut down permanently. The law requires action by the Attorney General but does not permit private citizens a cause of action. The community is divided between white, wealthy apartment dwellers who live furthest away from the shops and mostly minority low-income residents of a set of row houses adjacent to the shops. The lewd incidents involved offensive behavior directed at people who live in the row houses.

#### V. RELATED STUDENT PROJECTS

Form groups of students who will go out to various low-income communities and interview (1) a lawyer serving the area (in any capacity); (2) an organizer serving the area (who may or may not be working with a lawyer); and (3) community residents, groups, or organizations.

The goal of these interviews is to find out whether each of the three have employed the strategies of community lawyering depicted in the video. If they haven't, why not? If they have, how did they set this in motion?

Students should pay special attention to the nature of the problems as described to them by lawyer, organizer and community. Students should be supervised in the creation of a survey instrument with different questions for each of the three categories of people described above. In addition, if the three groups have not considered how to use community lawyering strategies, the students might invite those interviewed to a screening of the video for a community discussion led by students. The response to the students questionnaires could be the basis for a law review article and could be used as the basis for developing and understanding community-based solutions to the problems in low-income neighborhoods.

This bibliography has been adapted from the **Bibliography to the Conference on the Delivery of Legal Services to Low Income Persons: Professional Ethical Issues**, 67 Fordham L. Rev. 2731 (1999) that was compiled by the reference staff of the Fordham Law School Library.

## VI. BIBLIOGRAPHY

In addition to the text excerpts that we provide in these teaching materials, we suggest that further readings may be selected primarily from Symposium, *Lawyering for Poor Communities in the Twenty-First Century*, 25 FORDHAM URB. L. J. 673 (1998). This book arose from the symposium where *So Goes A Nation* was first shown and contains discussions of the themes raised by the video through remarks, addresses, articles, and direct responses to the video itself.

The writings in this book of the law journal provide an invaluable companion piece to the video. If you were to rely on one source alone, this book would be the best choice. In particular, there are four responses to the video itself that may prove helpful to discussion:

1. Susan D. Bennett, *On Long Haul Lawyering*, 25 FORDHAM URB. L.J. 771 (1998);
2. Charles Sabel, *A Response to the Video*, 25 FORDHAM URB. L.J. 791 (1998);
3. Ann Southworth, *A Response to the Video*, 25 FORDHAM URB. L.J. 797 (1998); and
4. Louise G. Trubek, *Reinvigorating Poverty Law Practice: Sites, Skills and Collaborations*, 25 FORDHAM URB. L.J. 801 (1998).

However, the whole the book is relevant to the video. The book also contains a copy of *So Goes a Nation* in CD-ROM format.

We encourage you to order a copy of this book from the publisher: Fred B. Rothman & Company, 10368 West Centennial Road, Littleton, CO 80127-4200 for a charge of \$6.00 inside the United States. Any other inquiries about the Fordham Urban Law Journal should be made to their offices: 140 West 62nd Street, New York, NY 10023. Telephone (212) 636-6881, Fax (212) 636-6694. In addition, the Journal is available on WESTLAW and LEXIS.

Furthermore, in the Spring of 1999, the Fordham Law Review issued a symposium issue with many articles that elaborate on or related to issues raised in *So Goes A Nation*. See Symposium, *The Delivery of Legal Services to Low-Income Persons: Professional and Ethical Issues*, 67 FORDHAM L. REV. 1713 (1999). This issue contains numerous pieces dedicated to ethical issues in representing low-income persons, many by leading authorities in the field. You may order a copy of this book directly from the publisher: William S. Hein & Co., Inc, 1285 Main Street, Buffalo, N.Y. 14209 at a cost of \$8.00. In addition, the Law Review is available on WESTLAW and LEXIS. Please refer to the bibliography for additional information on this book.

The best overall text on poverty law is JULIE NICE AND LOUISE TRUBEK, *CASES AND MATERIALS ON POVERTY LAW: THEORY AND PRACTICE* (1997).



## A

COMMUNITY  
LAWYERING

## KEY SOURCES:

Michael J. Fox, *Some Rules for Community Lawyers*, 14 CLEARINGHOUSE REV. 1 (May 1980).

This seminal article sets forth sixteen guiding principles for "community lawyering."

Ben Glick & Matthew Rossman, *Neighborhood Legal Services as House Counsel to Community-Based Efforts to Achieve Economic Justice: The East Brooklyn Experience*, 23 N.Y.U. REV. L. & SOC. CHANGE 105 (1997)

This article describes the "house counsel" approach employed in the Community Development Unit of Brooklyn Legal Services, Corporation A, featured in the video, *So Goes A Nation*.

Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, The Workplace Project and the Struggle for Social Change*, 30 HARV. C.R.-C.L. REV. 407 (1995).

This article addresses a community lawyering program featured in *So Goes A Nation* that targets the problems faced by immigrant workers on Long Island.

Symposium, *Lawyering for Poor Communities in the 21st Century*, 25 FORDHAM URB. L.J. 673 (1998) (discussed supra).

## ADDITIONAL SOURCES:

Debbie Chang & Brad Castel, *Creating Opportunities through Litigation: Community Economic Development Remedies*, 26 CLEARINGHOUSE REV. 1057 (Jan. 1993).

This article emphasizes that community economic development and litigation are not mutually exclusive.

Luke W. Cole, *Empowerment as the Key to Environmental Protection: The Need for Environmental Poverty Law*, 19 ECOLOGY L.Q. 619 (1992).

This article argues that lawyers should strive to empower clients groups in their fights for environmental justice to ensure a continued community mobilization for environmental protection in their neighborhoods.

Stephen Ellmann, *Client-Centeredness Multiplied: Individual Autonomy and Collective Mobilization in Public Interest Lawyers' Representation of Groups*, 78 VA. L. REV. 1103 (1992).

This article discusses the legal and ethical difficulties that poverty lawyers face in representing loosely-organized or ad hoc client groups.

Robert Halpern, *Rebuilding the Inner City: A History of Neighborhood Initiatives to Address Poverty in the United States* (1995).

This book describes the history of community-based but top-down dictated urban improvement projects.

Alan W. Houseman, *Community Group Action: Legal Services, Poor People and Community Groups*, 19 CLEARINGHOUSE REV. 392 (Summer 1985).

This article explores the ways in which community groups take action and how legal services organizations can work with these groups to achieve their goals.

GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992).

This book discusses an alternative, political theory of representation for low-income clients, stressing lawyers' facilitation of community activism. For a review and comment on this book, see Angelo N. Ancheta, *Community Lawyering: Review Essay*, 1 ASIAN L.J. 189 (1994). For critiques of this book, see Ann Southworth, *Taking the Lawyer Out of Progressive Lawyering*, 46 STAN. L. REV. 213 (1993); Janine Sisak, *If the Shoe Doesn't Fit . . . Reformulating Rebellious Lawyering to Encompass Community Group Representation*, 25 FORDHAM URB. L.J. 873 (1998).

Susan R. Jones, *Small Business and Community Economic Development: Transactional Lawyering for Social Change and Economic Justice*, 4 CLINICAL L. REV. 195 (1997).

This article argues that lawyers can assist in community economic development projects that help bring jobs and resources into impoverished communities.

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This article explains how law schools can undertake community economic development work through student clinics.

John Little, et al., *Practicing Community Corporate Law*, 23 CLEARINGHOUSE REV. 889 (Nov. 1989).

This article argues that litigation drains away resources that community development expertise can help direct into lasting improvements for low-income areas.

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Ben Quinones, *Serving Clients in New Ways: Community Economic Development: CED on the Job*, 27 CLEARINGHOUSE REV. 773 (Nov. 1993).

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Mario Salgado, *Building a Community Economic Development Unit*, 28 CLEARINGHOUSE REV. 981 (Jan. 1995).

This article discusses how a legal services office for low-income people can develop a community economic development unit.

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This article describes the tension in community-based lawyering between the directing role that an organizer, lawyer, leader or teacher must play and the teacher's aspiration to draw out, rather than dictate, the group's own voices.

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This article examines lawyers roles in representing low-income clients in non-adversarial settings.

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This article considers Gerald López's theory of "rebellious lawyering," which empowers clients, and the institutional problems faced by practitioners in the legal services community who favor this approach.

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This article explores the concept of the community as the "client."

Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WISC. L. REV. 699.

This article describes the methods used by a lawyer and an organizer to educate and empower the villagers of Black South Africans to direct their own resistance, contrasting these methods with traditional models of lawyering in which lawyers impose solutions to problems.

#### KEY SOURCE:

MARTHA F. DAVIS, *BRUTAL NEED: LAWYERS AND THE WELFARE RIGHTS MOVEMENT, 1960-1973*.

A short and concise history of lawyers' activities in the representation of poor people, particularly with regard to welfare rights movement of the 60s and early 70s. The theories of the various factions within this movement are also explored. For a review of this book, see Matthew Diller, *Poverty Lawyering in the Golden Age*, 93 MICH L. REV. 1401 (1995).

#### B.

#### POVERTY LAW HISTORY, THEORIES AND PRACTICES

These readings provide critiques and assessments of the various models of providing legal services to the poor.

## ADDITIONAL SOURCES:

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\_\_\_\_ Alfieri, *Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative*, 100 YALE L. J. 2107 (1991).

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Seminal article in the area exploring ethical concerns in public interest lawyering including unrepresented and under represented clients, and disadvantaged clients as well as disadvantaged adversaries. Compares public interest lawyers to the legal profession in general.

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A collection of essays on problems facing lawyers for the poor and possible future directions for legal services practice.

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This article examines the application of "client-centered practice" models of representing disadvantaged clients.

Marc Feldman, *Political Lessons: Legal Services for the Poor*, 83 GEO L. J. 1529 (1995)

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This article addresses issues of fairness and candor in the delivery of legal services in emergency situations where there is little time to prepare or make decisions.

Alan W. Houseman, *Legal Representation and Advocacy Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, 30 CLEARINGHOUSE REV. (1997).

This article explores the new set of rules and regulations that restrict legal services organizations funded by the federal government.

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This article describes the trends in poverty law in the second half of the 20th Century.

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This book examines the first federal program which funded legal services to the poor through the Office of Economic Opportunity, a forerunner of the Legal Services Corporation.

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This book analyzes the relationship between social reform movements and legal services programs, highlighting potential conflicts between a lawyer's political beliefs and the individual needs of clients.

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This article critiques the literature on the subject of client narratives and the theoretics of practice.

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This article discusses the federally-created program to provide legal services to the poor.

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This article summarizes the history of legal aid to the poor in the United States and the developing political opposition to certain types of legal advocacy on behalf of poor people.

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This article sets out the idea of "critical lawyering" which seeks empowerment of oppressed groups and transformation of society through delivery of legal services.

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This article discusses the concept that "[t]he hallmark of an effective poor people's practice is that the lawyer does not do anything for his clients that they can do or be taught to do for themselves."

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This article argues that lawyering can be transformed into a process that cedes to clients the "power to speak for themselves," a process that politicizes a particular moral view of advocacy.

## C.

### THEORIES OF POVERTY

RICHARD CLOWARD & FRANCES FOX PIVEN, *REGULATING THE POOR: THE FUNCTIONS OF PUBLIC WELFARE* (2d ed. 1993).

Argument that the American welfare system functions to control poor people by requiring them to behave as docile clients in order to get benefits rather than providing the means to change their economic and social circumstances.

MICHAEL HARRINGTON, *THE OTHER AMERICA: POVERTY IN THE UNITED STATES* (1962).

Analysis of poverty in America that provided the impetus for the War on Poverty.

NICHOLAS R. LEMANN, *THE PROMISED*

LAND: THE GREAT MIGRATION AND HOW IT CHANGES AMERICA (1991).

Lemann generates a historically specific explanation for the formation of urban black underclass and the failure of the Great Society programs of the 1960s through personal narratives of black sharecroppers involved in the Great Migration to northern cities. Lemann insists that the members of the underclass cannot advance through programs that promote self-help, but only through more effective, targeted government intervention.

LAWRENCE M. MEAD, *THE NEW POLITICS OF POVERTY: THE NONWORKING POOR IN AMERICA* (1992)

Mead argues that chronic unemployment is due to a decline in work effort rather than lack of jobs.

CHARLES MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY 1950-1980* (1984).

Murray contends that overly generous social policies have created poverty.

WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (1988)

Wilson presents the theory that the loss of manufacturing jobs in inner cities has created concentrated pockets of poverty and led to the rise of single parent households.

\_\_\_\_\_, *WILSON, WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* (1996).

Wilson argues that concentrated poverty and lack of jobs creates social and cultural changes in inner cities.

THE "UNDERCLASS" DEBATE: VIEWS FROM HISTORY (ed. Michael B. Katz 1993).

These fourteen essays edited by Michael Katz demonstrate a variety of perspectives on the problems of the contemporary "underclass." Throughout the book, the authors question received terminology, such as "underclass." The authors shift the focus from evaluating the success or failure of the federal social welfare programs to evaluating the role of the federal government in creating poverty in the first place.

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D.

**HISTORIES OF  
SOCIAL  
WELFARE  
POLICY IN THE  
UNITED  
STATES**

MIMI ABRAMOWITZ, REGULATING THE LIVES OF POOR WOMEN: SOCIAL WELFARE FROM COLONIAL TIMES TO THE PRESENT (1988).

JUNE AXINN & HERMAN LEVIN, SOCIAL WELFARE: A HISTORY OF THE AMERICAN RESPONSE TO NEED (2d ed. 1982).

EDWARD BERKOWITZ, AMERICA'S WELFARE STATE FROM ROOSEVELT TO REAGAN (1991).

LINDA GORDON, PITIED BUT NOT ENTI-

TLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE (1994)

JOEL HANDLER & YEHESEKEL HASENFELD, THE MORAL CONSTRUCTION OF POVERTY (1991).

MICHAEL KATZ, IN THE SHADOW OF THE POOR HOUSE: A SOCIAL HISTORY OF WELFARE IN AMERICA (2d ed. 1997).

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E.

**GENERAL  
WORKS ON  
PUBLIC  
INTEREST  
LAWYERING**

## F.

RELATED  
WEB SITES**[www.povertylaw.org](http://www.povertylaw.org)**

The site of the National Clearinghouse for Legal Services, a seminal publication dedicated to poverty law issues, and the Poverty Law Project.

**[www.clasp.org](http://www.clasp.org)**

The site of the Center for Law and Social Policy, an organization dedicated to issues of access to civil legal services for low-income families and family policy projects such as welfare reform.

**[www.equaljustice.org](http://www.equaljustice.org)**

The website of the Project for the Future of Equal Justice, a joint initiative of the National Legal Aid and Defender Association and the Center for Law and Social Policy. Its mission is to strengthen and expand the provision of civil legal assistance to low-income people

**[www.nlada.org](http://www.nlada.org)**

The site of the National Legal Aid and Defender Association which contains information on civil and criminal defense services, training, conferences, publications, news, and links to other sites.

**[www.welfarelaw.org](http://www.welfarelaw.org)**

The site of the Welfare Law Center which “works with and on the behalf of poor people to ensure that adequate income support--public funding provided on the basis of need--is available.”

**[www.brennancenter.org](http://www.brennancenter.org)**

The site of the Poverty Program at the Brennan Center for Justice offers information about federally funded legal services programs and the impact of restrictions and funding cuts on program activities.

The Louis Stein Center for Ethics and Public Interest Law sponsors programs at Fordham University School of Law on current ethical issues and public interest law and oversees the Stein Scholars Program. Since 1992, it has organized and co-sponsored three major national conferences: *Ethical Issues in Representing Older Clients*, in 1993, *Ethical Issues in Representing Children*, in 1995 and *Delivery of Legal Services to Low Income Persons: Professional and Ethical Issues*, in 1998. It also co-sponsors with the Fordham Urban Law Journal an annual “Stein Symposium on Contemporary Urban Challenges.” The 1997 symposium, *Lawyering for Poor Communities in the 21st Century* provided the impetus for this project.

New York Lawyers for the Public Interest (NYPLI) is a bridge between 78 of New York City’s private law firms and corporate law departments and the broad community of organizations and individuals that are working to improve the quality of life for the people of the city. NYLPI is equally a partnership between its own staff and communities of clients underserved by existing legal assistance programs.

From housing for the homeless to environmental issues; from civil rights and civil liberties to the education needs of low-income children; from conditions in prisons and psychiatric centers to employment and housing discrimination, NYLPI brings the talents and resources of lawyers to bear on important social issues. Through advocacy,

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community education, litigation and policy analysis, NYLPI's Disability Law Center expands the opportunities for people with disabilities. Its Environmental Justice Project works with low-income communities to enforce their right to neighborhood-based planning and the equitable delivery of services.

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**THE  
FORDHAM  
URBAN LAW  
JOURNAL**

*The Fordham Urban Law Journal* is the second oldest legal publication at Fordham University School of Law. The Journal is dedicated to providing a forum for debate on legal issues affecting American cities. It publishes four books annually, composed of articles, essays and student notes. The Journal also publishes an annual book, entitled "ADR and the Law," in collaboration with the American Arbitration Association and the Fordham International Law Journal. Each year the Journal dedicates one of its books to the annual "Stein Symposium on Contemporary Urban Challenges," which the Journal co-sponsors with Stein Center for Ethics and Public Interest Law. The Journal is available by subscription and on WESTLAW and LEXIS.

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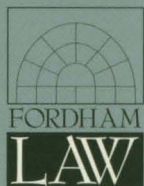
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